

Supreme Court of Florida

No. SC95126

LARRY J. THOMAS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[December 6, 2001]

PER CURIAM.

We initially accepted for review the decision of the Fifth District Court of Appeal in Thomas v. State, 725 So. 2d 1171 (Fla. 5th DCA 1998), based on express and direct conflict with the decision in Guzman v. State, 644 So. 2d 996 (Fla. 1994). Upon further consideration, we find that review was improvidently granted. Accordingly, this review proceeding is dismissed.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS, and QUINCE, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal -
Direct Conflict

Fifth District - Case No. 5D97-1691

(Seminole County)

Larry Thomas, pro se, Avon Park, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Ann M. Phillips, Assistant Attorney
General, Daytona Beach, Florida,

for Respondent