

# Supreme Court of Florida

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No. SC02-1290

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**DAVID DIONNE,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[January 22, 2004]

PER CURIAM.

We originally accepted jurisdiction to review State v. Dionne, 814 So. 2d 1087 (Fla. 5th DCA 2002), pursuant to article V, section 3(b)(3), of the Florida Constitution. After further consideration, we have determined not to exercise our discretionary jurisdiction in this case. Accordingly, this case is hereby dismissed.

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, CANTERO, and BELL, JJ.,  
concur.

QUINCE, J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal -  
Constitutional Construction

Fifth District - Case No. 5D01-1087

(Sumter County)

James B. Gibson, Public Defender, and Thomas J. Lukashow, Assistant Public  
Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Charles J. Crist, Jr., Attorney General, and Mary G. Jolley and Kellie A. Nielan,  
Assistant Attorneys General, Daytona Beach, Florida,

for Respondent