

Supreme Court of Florida

THURSDAY, JANUARY 21, 2010

CORRECTED ORDER

CASE NO.: SC08-1204

Lower Tribunal No.: 1D05-294

STATE OF FLORIDA

vs. FREDDRICK HINES

Petitioner(s)

Respondent(s)

On September 29, 2008, this Court entered its order accepting jurisdiction and on October 1, 2009, issued its order setting oral argument. Since there are not four justices that agree on the disposition of this case, and there not being any extraordinary circumstances that would justify deciding the case, jurisdiction is hereby discharged.

No Motion for Rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

PARIENTE, LEWIS, LABARGA, and PERRY, JJ., concur.

CANADY, J., concurs in result only with an opinion, in which QUINCE, C.J., concurs.

POLSTON, J., recused.

CANADY, J., concurring in result only.

The Court being equally divided regarding the disposition of this case, I concur in the decision to discharge jurisdiction. In my view, the Court should retain jurisdiction and quash the decision of the First District Court of Appeal.

QUINCE, C.J., concurs.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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Served:

HON. JON S. WHEELER, CLERK
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HON. C. VERNON MIZE, JUDGE
HON. J. K. "BUDDY" IRBY, CLERK