

Supreme Court of Florida

No. SC08-2127

STATE OF FLORIDA,
Petitioner,

vs.

ROBERT GENE BRUCE,
Respondent.

[July 9, 2009]

PER CURIAM.

We initially accepted jurisdiction in the case of Bruce v. State, 993 So. 2d 155 (Fla. 1st DCA 2008), in which the First District Court of Appeal ruled upon a question certified to be of great public importance. See art. V, § 3(b)(4), Fla. Const. Having considered the First District's opinion and the briefs of the parties, upon further review, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, we hereby dismiss review.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, POLSTON, LABARGA, and PERRY, JJ., concur.
CANADY, J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

First District - Case No. 1D07-2801

(Escambia County)

Bill McCollum, Attorney General, Trisha Meggs Pate, Bureau Chief, and Donna
A. Gerace, Assistant Attorneys General, Tallahassee, Florida,

for Petitioner

Nancy A. Daniel, Public Defender, and Glen P. Gifford, Assistant Public Defender,
Second Judicial Circuit, Tallahassee, Florida,

for Respondent