

Supreme Court of Florida

No. SC10-1837

BOBBY LEE AKIEN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 5, 2012]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Fourth District Court of Appeal in Akien v. State, 44 So. 3d 152 (Fla. 4th DCA 2010), based on express and direct conflict. See art. V, § 3(b)(3), Fla. Const. Upon further consideration, we have determined that jurisdiction was improvidently granted. Accordingly, we hereby discharge jurisdiction and dismiss this review proceeding.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fourth District - Case No. 4D09-1224

(Palm Beach County)

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for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida, Celia Terenzio, Bureau
Chief, and Laura Fisher, Assistant Attorneys General, West Palm Beach, Florida,

for Respondent