

Supreme Court of Florida

ORIGINAL

No. 79,569

STATE OF FLORIDA,

Petitioner,

vs.

DOUGLAS DE ABREU,

Respondent.

[February 4, 1993]

PER CURIAM.

We originally accepted jurisdiction of De Abreu v. State, 593 So. 2d 233 (Fla. 1st DCA 1991), based on apparent conflict with State v. Ginebra, 511 So. 2d 960 (Fla. 1987). On consideration of the record and briefs, we perceive that the opinion under review here is based upon the rules changes adopted

by our decision In re Amendments to Florida Rules of Criminal Procedure, 536 So. 2d 992 (Fla. 1988), which superseded Ginebra to the extent of any inconsistency. Accordingly, there is no conflict, and we conclude that jurisdiction was granted improvidently. This review is dismissed.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

First District - Case No. 90-3718

(Duval County)

**Robert A. Butterworth, Attorney General and Gypsy Bailey,
Assistant Attorney General, Tallahassee, Florida,**

for Petitioner

No appearance,

for Respondent