

Supreme Court of Florida

FRIDAY, JULY 9, 2004

CASE NO.: SC04-828

Lower Tribunal No.: 2D03-2211

STATE OF FLORIDA

vs. HERSCHEL UPSHAW

Petitioner(s)

Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

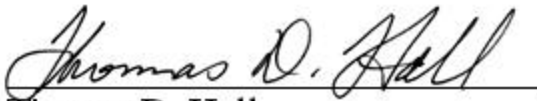
No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d).

ANSTEAD, QUINCE, CANTERO and BELL, JJ., concur.

LEWIS, J., dissents.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



kd

Served:

ROBERT J. KRAUSS

MARILYN MUIR BECCUE

DAVID H. FOXMAN

HON. CHARLIE GREEN, CLERK

HON. JAMES BIRKHOLO, CLERK

HON. WILLIAM J. NELSON, JUDGE