

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

TRACY JACK SMITH,

Appellant,

v.

CASE NO. 1D03-2001

STATE OF FLORIDA,

Appellee.

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Opinion filed July 12, 2005.

Appeal from the Circuit Court for Calhoun County, Judy Pittman, Judge.

Nancy A. Daniels, Public Defender, Tallahassee, and David P. Gauldin, Assistant Public Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General, Tallahassee, and Giselle Lylen Rivera, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

WOLF, HAWKES, and THOMAS, JJ., CONCUR.