

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

MICHAEL SMITH,

Appellant,

v.

CASE NO. 1D04-775

STATE OF FLORIDA,

Appellee.

Opinion filed July 29, 2005.

An appeal from the Circuit Court for Leon County.
James Hankinson, Judge.

Nancy A. Daniels, Public Defender; Edgar Lee Elzie, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General; Daniel A. David, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

KAHN, C.J., BARFIELD and DAVIS, JJ., CONCUR.