

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

RODERICK GARDNER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-2562

Opinion filed July 22, 2005.

An appeal from the Circuit Court for Leon County.  
Honorable Timothy D. Harley, Judge.

Frank Sheffield, Tallahassee, for Appellant.

Charlie Crist, Attorney General; Thomas D. Winokur, Assistant Attorney General,  
Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

BARFIELD, PADOVANO AND POLSTON, JJ., CONCUR.