

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

EARL MARK ZARATE,

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. 1D04-3561

Opinion filed June 28, 2005.

An appeal from the Circuit Court for Okaloosa County.  
Honorable Thomas T. Remington, Judge.

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

Charlie Crist, Attorney General; A. Mireille Fall and Thomas D. Winokur,  
Assistant Attorneys General, Office of the Attorney General, Tallahassee, for  
Appellee.

PER CURIAM.

AFFIRMED.

PADOVANO, POLSTON and HAWKES, JJ., CONCUR.