

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

EDWARD FRANCIS,

Appellant,

v.

Case No. 5D13-4103

STATE OF FLORIDA,

Appellee.

_____/

Opinion filed May 9, 2014

3.850 Appeal from the Circuit Court
for Orange County,
Julie H. O'Kane, Judge.

Robert Wesley, Public Defender, and
Michelle Yard, Assistant Public Defender,
Orlando, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kellie A. Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Muzzi v. State, 118 So. 3d 933 (Fla. 5th DCA 2013) (citing Geter v. State, 115 So. 3d 375 (Fla. 3d DCA 2012)); Kennedy v. State, 106 So. 3d 512 (Fla. 5th DCA 2013); Ferrell v. State, 105 So. 3d 539 (Fla. 5th DCA 2013); Anderson v. State, 105 So. 3d 538 (Fla. 5th DCA 2013).

We certify that this decision conflicts with the decision of the Second District Court of Appeal in Toye v. State, 133 So. 3d 540 (Fla. 2d DCA 2014).

GRIFFIN, SAWAYA, and ORFINGER, JJ., concur.