

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

DAVID ALLAN BIRMINGHAM,

Appellant,

v.

Case No. 5D20-1338

STATE OF FLORIDA,

Appellee.

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Decision filed November 3, 2020

Appeal from the Circuit Court  
for Marion County,  
Lisa D. Herndon, Judge.

James S. Purdy, Public Defender, and  
Darnelle P. Lawshe, Assistant Public  
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Pamela J. Koller,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

WALLIS, HARRIS and TRAVER, JJ., concur.