

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

OZZIE ELBERT,

Appellant,

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

v.

CASE NO. 1D01-3044

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 29, 2005.

An appeal from the Circuit Court for Duval County.
Henry E. Davis, Judge.

Appellant, pro se.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

On The Court's Own Motion

We sua sponte withdraw the pre-mandate opinion in this case and substitute the
following:

PER CURIAM.

AFFIRMED. See Bates v. State, 887 So. 2d 1214 (Fla. 2004).

WEBSTER, VAN NORTWICK and PADOVANO, JJ., CONCUR.