

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

BENNIE F. TELLAS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.  
\_\_\_\_\_ /

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

CASE NO. 1D01-4099

Opinion filed April 29, 2005.

An appeal from the Circuit Court for Duval County.  
Peter L. Dearing, 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 the 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.