

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

ELLIOT LADON HUTCHINSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-3503

Opinion filed January 10, 2006.

An appeal from an order of the Circuit Court for Okaloosa County.  
Thomas T. Remington, Judge.

Nancy Daniels, Public Defender, and P. Douglas Brinkmeyer, Assistant Public  
Defender, Tallahassee, for appellant.

Charlie Crist, Attorney General, and Thomas H. Duffy, Assistant Attorney General,  
Tallahassee, for appellee.

PER CURIAM.

On the court's own motion, the opinion of April 30, 2004, is withdrawn  
in light of Therrien v. State, 30 Fla. L. Weekly S725 (Fla. Oct. 27, 2005). The  
following opinion is substituted therefor.

AFFIRMED. Milks v. State, 894 So. 2d 924 (Fla. 2005).

BARFIELD, DAVIS and BENTON, JJ., concur.