

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

MICHAEL CRAIG BANKS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-5531

Opinion filed December 29, 2005.

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On the court's own motion, the opinion of August 24, 2004, is withdrawn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).

KAHN, C.J., ERVIN and THOMAS, JJ., concur.