

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

TERRY A. OWENS,

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. 1D04-0344

Opinion filed December 28, 2005.

An appeal from an order of the Circuit Court for Alachua County.  
Peter K. Sieg, 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On the court's own motion, the opinion of November 5, 2004, is withdrawn in  
light of Therrien v. State, 30 Fla. L. Weekly S725 (Fla. October. 27, 2005). The  
following opinion is substituted therefor.

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

WOLF, WEBSTER and HAWKES, JJ., concur.