

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

CHARLES HENRY MILLER, JR.,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-1037

Opinion filed March 9, 2005.

Petition for Writ of Prohibition -- Original Jurisdiction.

Jerry Allred, Pensacola, and M. James Jenkins, Pensacola, for petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

PER CURIAM.

DENIED. See Smith v. State, 187 So. 2d 61 (Fla. 2d DCA 1966).

ALLEN, DAVIS and BROWNING, JJ., concur.