

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

QUINCY WHITE,

Appellant,

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

v.

CASE NO. 1D05-5908

STATE OF FLORIDA,

Appellee.

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Opinion filed October 5, 2006.

An appeal from the Circuit Court for Alachua County.  
Robert P. Cates, Judge.

Quincy White, pro se, Appellant.

Charlie Crist, Attorney General, and Terry P. Roberts, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

BARFIELD, and VAN NORTWICK, JJ., CONCUR; BROWNING, J.,  
CONCURRING IN PART AND DISSENTING IN PART, WITH WRITTEN  
OPINION.

BROWNING, J., concurring in part and dissenting in part.

I respectfully dissent from the majority opinion as to Appellant's issue three and concur as to all other issues. I would reverse and remand for attachment of copies of the record conclusively showing that Appellant is not entitled to relief, or for an evidentiary hearing on trial counsel's failure to object to the prosecutor's impermissible statements relating to Appellant's right to remain silent. See State v. Marshall, 476 So. 2d 150 (Fla. 1985).