

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

MICHAEL P. SZYMANOWSKI,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D02-4054

[June 15, 2005]

On Motion for Rehearing

PER CURIAM.

We grant the state's motion for rehearing, withdraw our April 13, 2005 opinion and substitute it with this opinion.

Affirmed. Banks v. State, 887 So. 2d 1191 (Fla. 2004).

GUNTHER, STONE and KLEIN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Geoffrey D. Cohen, Judge; L.T. Case No. 96-16003 CF10A.

Michael P. Szymanowski, Bushnell, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of any timely filed motion for rehearing.