

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

RICK DEAN FOSTER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-4594

July 27, 2005

PER CURIAM.

Affirmed. *See State v. Phillips*, 852 So. 2d 922 (Fla. 1st DCA 2003).

STONE, SHAHOOD and MAY, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Steven Levin, Judge; L.T. Case No. 562004CF000119A.

Carey Haughwout, Public Defender, and Peggy Natale, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Georgina Jimenez-Orosa, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.