

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2008*

**THOMAS SIMON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-2859

[November 12, 2008]

PER CURIAM.

*Affirmed. See Burns v. State*, 884 So. 2d 1010, 1014 (Fla. 4th DCA 2004).

WARNER, FARMER, and DAMOORGIAN, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Peter M. Weinstein, Judge; L.T. Case No. 06-19959 CF10A .

Carey Haughwout, Public Defender, and Paul E. Petillo, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

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