

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2010*

**CHARLES MONINGER,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-1429

[August 11, 2010]

PER CURIAM.

Based on the authority of *State v. Montgomery*, --- So.3d ---, 35 Fla. L. Weekly S204, 2010 WL 1372701 (Fla. Apr. 8, 2010), and this Court's recent opinion in *Singh v. State*, --- So.3d ---, 2010 WL 2178732 (Fla. 4th DCA June 2, 2010), we affirm the trial court's decision as it relates to the manner in which it instructed the jury without further discussion.

*Affirmed.*

FARMER, HAZOURI and DAMOORGIAN, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Alfred J. Horowitz, Judge; L.T. Case No. 04-2118 CF10A.

Carey Haughwout, Public Defender, and Anthony Calvello, Assistant Attorney General, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for appellee.

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