

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

**BENJAMIN SMITH,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-24

[February 6, 2008]

PER CURIAM.

*Affirmed.*

STEVENSON, TAYLOR and HAZOURI, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 2003CF005435AXX.

Benjamin Smith, Immokalee, pro se.

No appearance required for appellee.

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