

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

**JAMES EVANS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-3972

[December 17, 2008]

PER CURIAM.

*Affirmed. See Dwyer v. State*, 981 So. 2d 606 (Fla. 4th DCA 2008).

STEVENSON, SHAHOOD and TAYLOR, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Lucy Chernow Brown, Judge; L.T. Case No. 95-CF-11916-AXX.

Thomas C. Gano, West Palm Beach, for appellant.

No appearance required for appellee.

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