

# Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed February 20, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D06-1919  
Lower Tribunal No. 05-8744

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**Recardo Clayton,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Peter R. Lopez, Judge.

Bennett H. Brummer, Public Defender, and Colleen Brady Ward, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Natalia Costea, Assistant Attorney General, for appellee.

Before GERSTEN, C.J., and CORTIÑAS, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See *Magnotti v. State*, 842 So. 2d 963 (Fla. 4th DCA 2003), review denied, 857 So. 2d 196 (Fla. 2003); *State v. Baldwin*, 709 So. 2d 636 (Fla. 2d DCA 1998); *Love v. State*, 583 So. 2d 371 (Fla. 3d DCA 1991).