

# Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed July 1, 2011.

Not final until disposition of timely filed motion for rehearing.

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No. 3D09-2351

Lower Tribunal No. 06-40302

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**Derrick Evans,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge.

Carlos J. Martinez, Public Defender, and Stephen J. Weinbaum, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Forrest L. Andrews, Jr., Assistant Attorney General, for appellee.

Before GERSTEN and WELLS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See Gartrell v. State, 626 So. 2d 1364 (Fla. 1993).