

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2005

ARTHUR ALEXANDER MACMILLAN,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D04-1156

THE STATE OF FLORIDA,

\*\* LOWER

TRIBUNAL NO. 03-9798

Appellee.

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Opinion filed June 8, 2005.

An Appeal from the Circuit Court for Miami-Dade County,  
Kevin Emas, Judge.

Bennet H. Brummer, Public Defender, and Leslie Scalley,  
Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Robin F.  
Hazel, Assistant Attorney General, for appellee.

Before GERSTEN, GREEN and SHEPHERD, JJ.

PER CURIAM.

Affirmed. State v. Hernandez, 841 So. 2d 469 (Fla. 3d DCA  
2002); State v. Clark, 721 So. 2d 1202 (Fla. 3d DCA 1998).