

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2003

MICHAEL H. MILLER,

Appellant,

v.

Case No. 5D02-1821

STATE OF FLORIDA,

Appellee.

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Opinion filed January 2, 2004

Appeal from the Circuit Court
for Putnam County,
William A. Parsons, Judge.

James B. Gibson, Public Defender, and Brynn
Newton, Assistant Public Defender, Daytona Beach,
for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Ann M. Phillips, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

We affirm Michael H. Miller's conviction of sexual battery on a child under the age of twelve. We also affirm the trial court's order declaring Miller to be a sexual predator. See Milks v. State, 848 So.2d 1167 (Fla. 2d DCA 2003), review granted, No. 03-1321 (Nov. 19, 2003); see also Reyes v. State, 854 So.2d 816 (Fla. 4th DCA 2003). In doing so, we certify conflict with Espindola v. State, 855 So. 2d 1281 (Fla. 3d DCA 2003) (holding Florida Sexual Predator's Act, section 775.21, Florida Statutes (2000), to be unconstitutional as violating procedural due process).

AFFIRMED.

SAWAYA, C.J., PLEUS and ORFINGER, JJ., concur.