

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

JULY TERM 2003

SIM FENTON SUTTERBY, II,

Appellant,

v.

Case No. 5D02-3532

STATE OF FLORIDA,

Appellee.

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Decision filed August 8, 2003

3.850 Appeal from the Circuit Court
for Volusia County,
Joseph G. Will, Judge.

Thomas C. Greene, Sanford, for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Mary G. Jolley, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED.

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

SHARP, W., J., dissents with opinion.

5D02-3532

SHARP, W., J., dissenting.

See Huss v. State, 771 So. 2d 591 (Fla. 1st DCA 2000).