

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

JULY TERM 2003

ELVIS DOYLE FUNDERBURK,

Appellant,

v.

CASE NO.: 5D03-1964

STATE OF FLORIDA,

Appellee.

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Opinion filed July 18, 2003

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

Elvis Doyle Funderburk, Daytona beach, pro se.

No Appearance for Appellee.

PER CURIAM.

We affirm the trial court's denial of Elvis Doyle Funderburk's motion pursuant to Florida Rule of Criminal Procedure 3.800(a) in accord with *Hersey v. State*, 831 So. 2d 679 (Fla. 5th DCA 2002), but again certify conflict with *Green v. State*, 839 So. 2d 748 (Fla. 2d DCA 2003).

AFFIRMED.

PETERSON, GRIFFIN and TORPY, JJ., concur.