

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

JULY TERM 2004

HENRY JOHNSON,

Appellant,

v.

CASE NO. 5D03-4102

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 21, 2004

Appeal from the Circuit Court
for Brevard County,
J. Preston Silvernail, Judge.

James B. Gibson, Public Defender, and Dee Ball,
Assistant Public Defender, Daytona Beach, for
Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Angela D. McCravy, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Sutton v. State*, 834 So. 2d 332 (Fla. 5th DCA 2003).

PALMER, ORFINGER and MONACO, JJ., concur.