

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

JULY TERM 2004

DERRELL RAY SHIRLEY,

Appellant,

v.

CASE NO. 5D04-1148

STATE OF FLORIDA,

Appellee.

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Opinion filed November 16, 2004

Appeal from the Circuit Court
for Hernando County,
Richard Tombrink, Jr., Judge.

James B. Gibson, Public Defender, and Kevin R.
Holtz, Assistant Public Defender, Daytona Beach, for
Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Belle B. Schumann, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Lynch v. State*, 293 So. 2d 44 (Fla. 1974).

SHARP, W., PETERSON and MONACO, JJ., concur.