

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

JANUARY TERM 2004

FABIAN T. PADILLA,

Appellant,

v.

CASE NO. 5D04-1555

STATE OF FLORIDA,

Appellee.

Opinion filed June 15, 2004

3.850 Appeal from the Circuit Court
for Volusia County,
S. James Foxman, Judge.

Diego Handel of Glasser and Handel,
Daytona Beach, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. *See Gordon v. State*, 863 So. 2d 1215 (Fla. 2003); *State v. Coney*, 845 So. 2d
120, 137 (Fla. 2003).

SHARP, W., PALMER and TORPY, JJ., concur.