

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

JULY TERM 2004

DONALD SCHWENDEMANN,

Appellant,

v.

CASE NO. 5D04-1617

STATE OF FLORIDA,

Appellee.

Opinion filed December 14, 2004

Appeal from the Circuit Court
for Volusia County,
R. Michael Hutcheson, Judge.

James B. Gibson, Public Defender, and Meghan Ann
Collins, 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 Byrd v. State*, 419 So. 2d 725 (Fla. 5th DCA 1982).

PETERSON, THOMPSON and MONACO, JJ., concur.