

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

JULY TERM 2004

RICHARD BENZER,

Appellant,

v.

CASE NO. 5D04-3963

STATE OF FLORIDA,

Appellee.

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Opinion filed December 28, 2004

3.850 Appeal from the Circuit Court  
for Orange County,  
Anthony Johnson, Judge.

R. Spencer Rhodes of R. Spencer  
Rhodes, P.A., Orlando, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See *Major v. State*, 814 So. 2d 424 (Fla. 2002); *Benzer v. State*,  
853 So. 2d 430 (Fla. 5th DCA 2003).

PETERSON, THOMPSON and ORFINGER, JJ., concur.