

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

JULY TERM 2007

LOWELL H. KYLE,

Appellant,

v.

Case No. 5D07-1546

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 7, 2007

3.800 Appeal from the Circuit
Court for Orange County,
Jeffrey Fleming, Judge.

Lowell H. Kyle, Crawfordville, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Douglas T. Squire,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Smith v. State*, 886 So. 2d 336 (Fla. 5th DCA), *cause dismissed*, 902 So. 2d 792 (Fla. 2004).

PLEUS, MONACO and EVANDER, JJ., concur.