

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

JANUARY TERM 2008

BILLY RAY WALKER,

Appellant,

v.

Case No. 5D2363

STATE OF FLORIDA,

Appellee.

Opinion filed June 3, 2008

Appeal from the Circuit Court
for Brevard County,
Lisa Davidson, Judge.

James S. Purdy, Public Defender, and
Henry T. Swann, III, Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Payne v. State*, 356 So. 2d 12 (Fla. 4th DCA 1977).

TORPY, LAWSON and COHEN, JJ., concur.