

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

JULY TERM 2008

SHAWN MALMSBERRY,

Appellant,

v.

Case No. 5D07-4157

STATE OF FLORIDA,

Appellee.

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Opinion filed August 26, 2008

Appeal from the Circuit Court  
for Osceola County,  
Scott Polodna, Judge.

James S. Purdy, Public Defender, and  
Anne Moorman Reeves, Assistant Public  
Defender, Daytona Beach, for Appellant.

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

PER CURIAM.

AFFIRMED. See Farmer v. State, 975 So. 2d 1275 (Fla. 4th DCA 2008).

PLEUS, ORFINGER and TORPY, JJ., concur.