

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

JULY TERM 2008

NIGEL A. WHILBY,

Appellant,

v.

Case No. 5D08-2288

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 14, 2008

3.850 Appeal from the Circuit Court
for Marion County,
Brian D. Lambert, Judge.

Gregory E. Tucci, Ocala, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See *State v. Green*, 944 So. 2d 208 (Fla. 2006); *Morales v. State*, 988 So. 2d 705 (Fla. 3d DCA 2008); *State v. De Armas*, 988 So. 2d 156 (Fla. 3d DCA 2008); *Prieto v. State*, 33 Fla. L. Weekly D1889 (Fla. 4th DCA July 30, 2008); *Pena v. State*, 980 So. 2d 542 (Fla. 4th DCA 2008).

PALMER, C.J., GRIFFIN and LAWSON, JJ., concur.