

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

JANUARY TERM 2010

GREGORY THOMPSON,

Appellant/Cross-Appellee,

v.

Case No. 5D09-3787

STATE OF FLORIDA,

Appellee/Cross-Appellant.

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Opinion filed July 6, 2010

Appeal from the Circuit Court  
for Orange County,  
Roger J. McDonald, Judge.

James S. Purdy, Public Defender, and  
Ailene S. Rogers, Assistant Public  
Defender, Daytona Beach, for  
Appellant/Cross-Appellee.

Bill McCollum, Attorney General,  
Tallahassee, and Rebecca Roark Wall,  
Assistant Attorney General, Daytona  
Beach, for Appellee/Cross-Appellant.

PER CURIAM.

AFFIRMED. *See Simmons v. State*, 934 So. 2d 1100 (Fla. 2006), *cert. denied*,  
549 U.S. 1209 (Fla. 2007).

MONACO, C.J., TORPY and JACOBUS, JJ., concur.