

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

JULY TERM 2010

TERRY D. POWELL,

Appellant,

v.

Case No. 5D09-3929

STATE OF FLORIDA,

Appellee.

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Opinion filed September 28, 2010

Appeal from the Circuit Court  
for Marion County,  
Willard Pope, Judge.

James S. Purdy, Public Defender, and  
Thomas J. Lukashow, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Megan Saillant,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Thomas v. State*, 958 So. 2d 995 (Fla. 5th DCA 2007).

LAWSON, EVANDER and JACOBUS, JJ., concur.