

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FRANK LEE OLIVER,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D02-0394

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 27, 2005.

An appeal from the Circuit Court for Duval County.

W. Gregg McCaulie, Judge.

Appellant, pro se.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

On The Court's Own Motion

We sua sponte withdraw the pre-mandate opinion in the case and substitute the following:

PER CURIAM.

AFFIRMED. See Bates v. State, 887 So. 2d 1214 (Fla. 2004).

WEBSTER, VAN NORTWICK and PADOVANO, JJ., CONCUR.