

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

FRED EUGENE HONRINE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-1027

Opinion filed December 29, 2005.

An appeal from an order of the Circuit Court for Calhoun County.
Judy Pittman, Judge.

Nancy Daniels, Public Defender, and P. Douglas Brinkmeyer, Assistant Public
Defender, Tallahassee, for appellant.

Charlie Crist, Attorney General, and Thomas H. Duffy, Assistant Attorney General,
Tallahassee, for appellee.

PER CURIAM.

On the court's own motion, the opinion of March 5, 2004, is withdrawn in light
of Therrien v. State, 30 Fla. L. Weekly S725 (Fla. October. 27, 2005). The following
opinion is substituted therefor.

AFFIRMED. Milks v. State, 894 So. 2d 924 (Fla. 2005).

KAHN, C.J., BENTON AND VAN NORTWICK, JJ., CONCUR.