

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

JOHN WESLEY THADEN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-3341

Opinion filed January 6, 2006.

An appeal from an order of the Duval County Circuit Court.  
Karen K. Cole, 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On the court's own motion, the opinion of May 28, 2004, is withdrawn in light  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).

ERVIN, WOLF and VAN NORTWICK, JJ., concur.