

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

RANDALL L. KELLY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-3595

Opinion filed August 19, 2004.

An appeal from the Circuit Court of Escambia County.
Jan Shackelford, Judge.

Robert Augustus Harper, Esquire and Michael Robert Ufferman, Esquire of the
Robert Augustus Harper Law Firm, P.A., Tallahassee, for Appellant.

Charlie Crist, Attorney General; Thomas H. Duffy, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Affirmed. See Moore v. State, No. 1D03-3880 (Fla. 1st DCA Aug. __, 2004);
Therrien v. State, 859 So. 2d 585 (Fla. 1st DCA 2003), review pending, No. SC03-
2219 (Fla. Dec. 18, 2003). Contra Espindola v. State, 855 So. 2d 1281 (Fla. 3d DCA
2003), review pending, No. SC03-2103 (Fla. Nov. 10, 2003).

BENTON, BROWNING, and POLSTON, JJ., CONCUR.