

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

DAVID MAY,

Appellant,

v.

CASE NO. 1D04-4472

STATE OF FLORIDA,

Appellee.

Opinion filed March 11, 2005.

An appeal from the Circuit Court for Bay County.
Don T. Sirmons, Judge.

Appellant, pro se.

Charlie Crist; Attorney General; Charlie McCoy, Senior Assistant Attorney
General, Tallahassee, for Appellee.

ON MOTION FOR REHEARING

PER CURIAM.

This cause is before us on the appellant's motion for rehearing. We grant the motion for rehearing and, accordingly, withdraw our former opinion of December 28, 2004, and substitute the following in lieu thereof.

AFFIRMED. See Clines v. State, 881 So. 2d 721, 724 (Fla. 1st DCA 2004), rev. granted, 889 So. 2d 71 (Fla. Dec. 17, 2004)

ERVIN, KAHN and BENTON, JJ., CONCUR.