

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

JAMES FRANKLYN DAY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-3071

June 15, 2005

PER CURIAM.

Affirmed. *Blakely v. Washington*, 124 S. Ct. 2531 (2004); *McBride v. State*, 884 So. 2d 476 (Fla. 4th DCA 2004).

FARMER, C.J., STONE and MAY, J.J., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard Wennet, Judge; L.T. Case No. 04-1029 CF A02.

Carey Haughwout, Public Defender, and Peggy Natale, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.