

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

ADAM SMITH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-3813

[September 20, 2006]

PER CURIAM.

Affirmed. See Benitez v. State, 901 So. 2d 935 (Fla. 2005); *Johnson v. Brooks*, 567 So. 2d 34 (Fla. 1st DCA 1990).

GUNTHER, FARMER and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Larry Schack, Judge; L.T. Case No. 04-599-CFA.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.