

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

MICHAEL A. WILBON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-2547

[December 13, 2006]

ON MOTION FOR REHEARING

PER CURIAM.

We deny rehearing and rehearing en banc. However, we certify conflict with *Berthiaume v. State*, 864 So. 2d 1257 (Fla. 5th DCA 2004) and *Fitzpatrick v. State*, 863 So. 2d 462 (Fla. 1st DCA 2004).

WARNER, POLEN and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard I. Wennet, Judge; L.T. Case No. 02-7293 CFA02.

Michael A. Wilbon, Jasper, pro se.

No appearance required for appellee.