

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2009*

**JOHN A. FLEMING,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-419

[ June 17, 2009 ]

PER CURIAM.

*Affirmed.* See § 775.082(9)(a)1.p., Fla. Stat. (1999); *see also Eubanks v. State*, 917 So. 2d 898 (Fla. 5th DCA 2005).

GROSS, C.J., DAMOORGIAN and LEVINE, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Krista Marx, Judge; L.T. Case No. 2000CF002471AXX.

John A. Fleming, Jasper, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***