

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES LARRY PERCHITTI,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-331
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed January 20, 2006.

Appeal from the Circuit Court for Charlotte
County; J. Frank Porter and Isaac
Anderson, Jr., Judges.

Pine Scott Price, Punta Gorda, for
Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Timothy A. Freeland,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Affirmed.

SALCINES, and VILLANTI, JJ., Concur.
CASANUEVA, J., Concur specially.

CASANUEVA, Judge, Concurring.

Because I conclude that this case is controlled by State v. Baez, 894 So.
2d 115 (Fla. 2004), I concur.