

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ANTHONY J. HAYES, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D05-597

Opinion filed May 6, 2005.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Pinellas County; R. Timothy Peters,  
Judge.

PER CURIAM.

Affirmed. See Wright v. State, 864 So. 2d 1153 (Fla. 2d DCA 2003) (en banc), review granted, 889 So. 2d 72 (Fla. 2004). As this court did in Wright, we certify direct conflict with Kirtsey v. State, 855 So. 2d 177 (Fla. 1st DCA 2003); Hernandez v. State, 825 So. 2d 513 (Fla. 4th DCA 2002); Bingham v. State, 813 So. 2d 1021 (Fla. 1st DCA 2002); Thames v. State, 769 So. 2d 448 (Fla. 1st DCA 2000); Hampton v. State,

764 So. 2d 829 (Fla. 1st DCA 2000); and Macias v. State, 614 So. 2d 1216 (Fla. 3d DCA 1993).

Affirmed; conflict certified.

FULMER, DAVIS, and WALLACE, JJ., Concur.