

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

Opinion filed November 13, 2009.

Appeal from the Circuit Court for
Hillsborough County; William Fuente,
Judge.

James Marion Moorman, Public Defender, and Sean K. Ahmed, Special Assistant Public Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Dawn A. Tiffin,
Assistant Attorney General,
Tampa, for Appellee.

PER CURIAM.

Affirmed without prejudice to any right Marvin Wells might have to file a motion for postconviction relief.

FULMER, NORTHCUTT and VILLANTI, JJ., Concur.