

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOHN AURELIUS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
_____)

Case No. 2D09-2378

Opinion filed November 24, 2010.

Appeal from the Circuit Court for Charlotte
County; J. Frank Porter, Judge.

James Marion Moorman, Public Defender,
and John C. Fisher, Assistant Public
Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Sara Macks, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed. See Simmons v. State, 913 So. 2d 19 (Fla. 2d DCA 2005).

DAVIS, CRENSHAW, and BLACK, JJ., Concur.