

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

EDGAR MUNOZ,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D03-3388

Opinion filed December 10, 2003.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; William Fuente, Judge.

PER CURIAM.

Affirmed. See Davis v. State, 848 So. 2d 418 (Fla. 2d DCA 2003). As this
court did in Davis, we certify direct conflict with Fernandez v. State, 814 So. 2d 459 (Fla.
4th DCA 2001).

Affirmed; conflict certified.

COVINGTON, CANADY, and VILLANTI, JJ., Concur.