

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES WILLIAM McCLELLAN,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D04-710

Opinion filed May 21, 2004.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Lee County; James R. Thompson,
Judge.

PER CURIAM.

Affirmed. See McCall v. State, 862 So. 2d 807 (Fla. 2d DCA 2003);
Sigafoos v. State, 825 So. 2d 529 (Fla. 2d DCA 2002); Wright v. State, 834 So. 2d 879
(Fla. 3d DCA 2002). As this court did in McCall, we certify direct conflict with
Richardson v. State, 28 Fla. L. Weekly D1716 (Fla. 4th DCA July 23, 2003).

Affirmed; conflict certified.

WHATLEY, NORTHCUTT, and CASANUEVA, JJ., Concur.