

# Third District Court of Appeal

## State of Florida

Opinion filed October 15, 2014.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D13-2519  
Lower Tribunal No. 12-20015

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**Sergio Robaina,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Milton Hirsch, Judge.

Rasco Klock Perez Nieto, and Joseph P. Klock, Jr. and Hilton Napoleon, II; Thomas A. Cobitz, P.A., and Thomas A. Cobitz, for appellant.

Pamela Jo Bondi, Attorney General, and Michael W. Mervine, Assistant Attorney General, for appellee.

R.A. Cuevas, Jr., County Attorney, and Oren Rosenthal, Assistant County Attorney, for Miami-Dade County as amicus curiae.

Before SHEPHERD, C.J., and EMAS and SCALES, JJ.

PER CURIAM.

Affirmed.