Third District Court of Appeal

State of Florida, January Term, A.D. 2007

Opinion filed July 5, 2007 . Not final until disposition of timely filed motion for rehearing.

> No. 3D06-1318 Lower Tribunal Case No. F95-29230

> > Wilfredo Zelaya, Appellant,

> > > vs.

The State of Florida, Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b) (2) from the Circuit Court for Miami-Dade County, Jorge Perez, Judge.

Wilfredo Zelaya, in proper person.

Bill McCollum, Attorney General, for appellee.

Before COPE, FLETCHER and ROTHENBERG, JJ.

PER CURIAM.

Affirmed. Smith v. State, 529 So. 2d 1106 (Fla. 1988).