

# Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed November 12, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-859  
Lower Tribunal No. 07-8691

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**Jose Velez,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Leonard E. Glick, Judge.

Carlos J. Martinez, Public Defender, and Maria E. Lauredo, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Ansley B. Peacock, Assistant Attorney General, for appellee.

Before WELLS, SHEPHERD, and CORTIÑAS, JJ.

PER CURIAM.

Affirmed. Jones v. State, 652 So. 2d 346, 349 (Fla. 1995) (“[A] taking of property that otherwise would be considered a theft constitutes robbery when in the course of the taking *either* force, violence, assault, or putting in fear is used.”)