

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

THE STATE OF FLORIDA,

\*\*

Appellant,

\*\*

CASE NO. 3D00-2923

vs.

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LOWER

LAWRENCE COSTANZO,

\*\*

TRIBUNAL NO. 00-20345

Appellee.

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Opinion filed December 26, 2001.

An Appeal from the Circuit Court for Dade County, Jerald Bagley,  
Judge.

Robert A. Butterworth, Attorney General, and Darien M. Doe,  
Assistant Attorney General, for appellant.

Bennett H. Brummer, Public Defender, and Bruce A. Rosenthal,  
Assistant Public Defender, for appellee.

Before JORGENSON, LEVY, and SHEVIN, JJ.

PER CURIAM.

Affirmed. See Roberts v. Lando, 652 So. 2d 1226 (Fla. 3d DCA  
1995) (holding that where counsel did not receive notice of trial date,  
defendant and his counsel were continually available for trial and

continuance should not have been charged to defendant for purposes of speedy trial).