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

ANTONIO FANEGO, **

Appellant, ** CASE NO. 3D01-2118

* *

vs. ** LOWER

TRIBUNAL NO. 79-10430

THE STATE OF FLORIDA,

Appellee. **

Opinion filed August 29, 2001.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Dade County, Cecilia M. Altonaga, Judge.

Antonio Fanego, in proper person.

Robert A. Butterworth, Attorney General, and Jill K. Traina, Assistant Attorney General, for appellee.

Before JORGENSON, GODERICH, and SORONDO, JJ.

PER CURIAM.

Affirmed. <u>See Zirio v. State</u>, 762 So. 2d 1060 (Fla. 3d DCA 2000).