

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

ELADIO RODRIGUEZ,

**

Appellant,

**

CASE NO. 3D01-2247

**

vs.

**

THE STATE OF FLORIDA,

**

LOWER TRIBUNAL

Appellee.

**

CASE NO. 95-38421B

Opinion filed September 19, 2001.

An Appeal under Fla.R.App.P. 9.141(b)(2) from the Circuit Court of Dade County, Robert H. Newman and Scott J. Silverman, Judges.

Eladio Rodriguez, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before SCHWARTZ, C.J., and FLETCHER, and RAMIREZ, JJ.

PER CURIAM.

Affirmed. See West v. State, 789 So. 2d 1123 (Fla. 3d DCA 2001).