

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

IGNACIO ORTEGA,	**	
Appellant,	**	
vs.	**	CASE NO. 3D01-499
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 00-39452

Opinion filed December 5, 2001.

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

John Lipinski, for appellant.

Robert A. Butterworth, Attorney General, and Roberta G.  
Mandel, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., GREEN and SHEVIN, JJ.

PER CURIAM.

Affirmed. Fothergill v. State, 754 So. 2d 174 (Fla. 5th DCA  
2000).