

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

IN THE DISTRICT COURT OF APPEAL
OF APPEAL
THIRD DISTRICT
JANUARY TERM, 2003

FEDERICO GARCIA,

**

Appellant,

**

vs.

** CASE NO. 3D02-2172

THE STATE OF FLORIDA,

** LOWER

TRIBUNAL NO. 01-18417

Appellee.

**

Opinion filed June 25, 2003.

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

Federico Garcia, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before SCHWARTZ, C.J., and COPE and GODERICH, JJ.

PER CURIAM.

Affirmed on the authority of State v. Franklin, 836 So. 2d 1112 (Fla. 3d DCA 2003). Conflict certified with Taylor v. State, 818 So. 2d 544 (Fla. 2d DCA), review dismissed, 821 So. 2d 302 (Fla. 2002).