

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D., 2003

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| ROBERT LEIGHTON, | ** | |
| Appellant, | ** | |
| vs. | ** | CASE NO. 3D02-2852 |
| THE STATE OF FLORIDA | ** | LOWER |
| Appellee. | ** | TRIBUNAL NO. 00-969 |

Opinion filed June 18, 2003.

An Appeal from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Bruce A. Alter; Randy S. Kravis (Studio City, California), for appellant.

Charles J. Crist, Jr., Attorney General, and Jill K. Traina, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and GERSTEN, J., and NESBITT, Senior Judge.

PER CURIAM.

Affirmed. See Fayson v. State, 698 So. 2d 825 (Fla. 1997).