

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

THE STATE OF FLORIDA,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-2960
RAFAEL RIVERA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 98-39739

Opinion filed May 14, 2003.

An Appeal from the Circuit Court for Dade County, Maria
Dennis, Judge.

Charles J. Crist, Jr., Attorney General and John D. Barker,
Assistant Attorney General, for appellant.

Bennett H. Brummer, Public Defender and Harvey J. Sepler,
Assistant Public Defender, for appellee.

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

PER CURIAM.

Affirmed. See State v. Henriquez, 717 So. 2d 1087 (Fla. 3d
DCA 1998); State v. Woods, 783 So. 2d 361 (Fla. 3d DCA 2001).