

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. 2004

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| EGNIO A. GUTIERREZ, | ** | |
| Appellant, | ** | |
| vs. | ** | CASE NO. 3D02-3401 |
| THE STATE OF FLORIDA, | ** | LOWER |
| Appellee. | ** | TRIBUNAL NO. 00-39689 |

Opinion filed April 14, 2004.

An appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Miami-Dade County, Leonard E. Glick, Judge.

Egnio A. Gutierrez, in proper person.

Charles J. Crist, Jr., Attorney General, and Richard L. Polin, Assistant Attorney General, for appellee.

Before COPE, LEVY and GREEN, JJ.

PER CURIAM.

Affirmed. Wright v. State, 29 Fla. L. Weekly D521 (Fla. 2d DCA Feb. 27, 2004) (en banc); Urruchurtu v. State, 858 So. 2d 387 (Fla. 3d DCA 2003).