

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. 2004

ANDREW HAYES,

\*\*

Appellant,

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vs.

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CASE NO. 3D03-446

THE STATE OF FLORIDA,

\*\*

LOWER

Appellee.

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TRIBUNAL NO. 99-36300

Opinion filed July 14, 2004.

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

Bennett H. Brummer, Public Defender, and May L. Cain,  
Special Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Erin  
Kinney, Assistant Attorney General, for appellee.

Before FLETCHER, SHEVIN and SHEPHERD, JJ.

PER CURIAM.

Affirmed. Wilson v. State, 753 So. 2d 683 (Fla. 3d DCA  
2000).