

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

VARIAN V. SCOTT,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-1044
THE STATE OF FLORIDA,	**	
Appellee.	**	LOWER TRIBUNAL NO. 01-36222C

Opinion filed February 25, 2004.

An appeal from the Circuit Court for Miami-Dade County,
Bertila Soto, Judge.

Varian V. Scott, in proper person.

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

Before COPE, SHEVIN and RAMIREZ, JJ.

PER CURIAM.

Varian V. Scott appeals an order denying his motion for
discharge under the speedy trial rule. We treat the appeal as a
petition for writ of prohibition and deny it on the merits. The
subsequent plea bargain entered into by defendant-appellant Scott

waived his claim of a violation of the speedy trial rule. Monge v. State, 286 So. 2d 34 (Fla. 3d DCA 1973). We need not reach the alternative argument that defense counsel had obtained continuances which waived the speedy trial period in any event.

Affirmed.