

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

RICO A. SMITH, etc.	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-1148
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NOS. 02-03213 02-03451

Opinion filed March 24, 2004.

An Appeal from the Circuit Court for Dade County, Scott Silverman, Judge.

Clayton R. Kaeiser, for appellant.

Charles J. Crist, Jr., Attorney General and Douglas J. Gland, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and LEVY and SHEPHERD, JJ.

PER CURIAM.

Affirmed. See Brannon v. State, 850 So. 2d 452 (Fla. 2003);
cf. Moore v. State, 859 So. 2d 613 (Fla. 1st DCA 2003).