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

RALPH ALONZA EVERETT, \*\*

Appellant, \*\*

vs. \*\* CASE NO. 3D03-1264

THE STATE OF FLORIDA, \*\* LOWER

TRIBUNAL NO. 00-38560

Appellee. \*\*

Opinion filed December 8, 2004.

An Appeal from the Circuit Court for Miami-Dade County, Dennis Murphy, Judge.

Bennett H. Brummer, Public Defender, and Bruce A. Rosenthal, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Michael E. Hantman, Assistant Attorney General, for appellee.

Before Gersten, Fletcher, and Wells, JJ.

PER CURIAM.

Affirmed. <u>See Grosvenor v. State</u>, 874 So. 2d 1176 (Fla. 2004); Evans v. State, 843 So. 2d 938 (Fla. 3d DCA 2003).