

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

ANTHONY HAMMOND,

**

Appellant,

**

vs.

CASE NO. 3D03-1344

**

**

THE STATE OF FLORIDA,

LOWER

**

TRIBUNAL NO. 02-1248

Appellee.

**

Opinion filed February 4, 2004.

An Appeal from the Circuit Court for Monroe County, Wayne M. Miller, Judge.

Bennett H. Brummer, Public Defender, and Billie Jan Goldstein, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Linda S. Katz, Assistant Attorney General, for appellee.

Before GREEN, RAMIREZ, and WELLS, JJ.

PER CURIAM.

Affirmed. Anthony Hammond appeals his conviction of aggravated assault with a deadly weapon challenging the constitutionality of section 775.051, Florida Statutes (1999). For

the reasons stated in Barrett v. State, 28 Fla. L. Weekly D2237 (Fla. 2d DCA Sept. 26, 2003) and Cuc v. State, 834 So. 2d 378 (Fla. 4th DCA 2003), review denied, 847 So. 2d 975 (Fla. 2003), we reject this argument. We likewise find no merit in Hammond's two other arguments.