

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

ROONEY LEE THOMAS,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-1855
THE STATE OF FLORIDA,	**	
Appellee.	**	LOWER TRIBUNAL NO. 00-32843

Opinion filed June 2, 2004.

An appeal from the Circuit Court for Miami-Dade County, Rosa I. Rodriguez, Judge.

Bennett H. Brummer, Public Defender, and Howard K. Blumberg, Assistant Public Defender, for appellant.

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

Before COPE, LEVY and FLETCHER, JJ.

PER CURIAM.

Affirmed. Floyd v. State, 569 So. 2d 1225, 1231-32 (Fla. 1990).