

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

VICTOR H. MONTESINO,  
  
Appellant,  
  
vs.  
  
THE STATE OF FLORIDA,  
  
Appellee.

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\*\*  
\*\* CASE NO. 3D03-1924  
\*\* LOWER  
\*\* TRIBUNAL NO. 92-21641  
\*\*

Opinion filed November 3, 2004.

An Appeal from the Circuit Court for Miami-Dade County,  
Leonard E. Glick, Judge.

Bennett H. Brummer, Public Defender, and Marti Rothenberg,  
Assistant Public Defender, for appellant.

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

Before GERSTEN, RAMIREZ, and SHEPHERD, JJ.

PER CURIAM.

Affirmed. See Mitchell v. State, 717 So. 2d 609 (Fla. 4th  
DCA 1998).