

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

BREON LAVIN BRABOY,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-2160
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. CFK-03-28

Opinion filed March 24, 2004.

An appeal from the Circuit Court for Monroe County, Richard G. Payne, Judge.

Bennett J. Brummer, Public Defender and Carlos Gonzalez, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General and Annette M. Lizardo, Assistant Attorney General, for appellee.

Before COPE, GODERICH, and GREEN, JJ.

PER CURIAM.

In the absence of a showing in the record by the defense that there was a probability that the cocaine seized by the police was tampered with, we find no merit to the appellant's chain of custody challenge. See Creme v. State, 752 So. 2d 1238, 1239 (Fla. 3d DCA 2000); Garcia v. State, 721 So. 2d 1248 (Fla. 3d DCA 1998); Dodd v. State, 537 So. 2d 626, 627 (Fla. 3d DCA 1988). Accordingly, we affirm the appellant's conviction and sentence for possession of cocaine with the intent to sell or distribute.

Affirmed.