

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

GARY LAMAR POLITE,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

**
**
** CASE NO. 3D03-2819
** LOWER
** TRIBUNAL NO. 02-37034
**

Opinion filed August 11, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Kevin Emas, Judge.

Gonzalez & Walsh, LLP., and Carlos F. Gonzalez, Special
Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Lucretia A.
Pitts, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and GERSTEN, and WELLS, JJ.

PER CURIAM.

Affirmed. See O'Brien v. State, 771 So. 2d 563 (Fla. 4th
DCA 2000).