

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, 2005

ALLEN GRANT,

**

Appellant,

**

vs.

** CASE NO. 3D05-953

THE STATE OF FLORIDA,

**

Appellee.

** LOWER
TRIBUNAL NO. 82-26401
**

Opinion filed December 28, 2005.

An Appeal under Florida Rule of Appellate Procedure
9.141(b)(2) from the Circuit Court for Miami-Dade County,
Leonard E. Glick, Judge.

Marvin D. Wilson, for appellant.

Charles J. Crist, Jr., Attorney General, and Valentina M.
Tejera, Assistant Attorney General, for appellee.

Before COPE, C.J., and SHEPHERD and ROTHENBERG, JJ.

PER CURIAM.

While we affirm on the merits, we additionally note that in
support of the defendant's argument below he relied on Pinder v.

State, 375 So. 2d 836 (Fla. 1979), and Goss v. State, 398 So. 2d 998 (Fla. 5th DCA 1981). In response, the State argued that there were factual distinctions between the cited cases and the present case, and the trial court agreed. The cases relied upon by the defendant however, are no longer good law. See State v. Enmund, 476 So. 2d 165 (Fla. 1985).

Affirmed.