

# Third District Court of Appeal

State of Florida, July Term, A.D. 2013

Opinion filed November 6, 2013.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D13-2552  
Lower Tribunal No. 99-35158

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**Barry McIntosh,**  
Appellant,

vs.

**The State of Florida**  
Appellee.

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

Barry McIntosh, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before WELLS, EMAS and FERNANDEZ, JJ.

PER CURIAM.

Affirmed. Geter v. State, 115 So. 3d 375, 385 (Fla. 3d DCA 2012).

WELLS and FERNANDEZ, concur.

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EMAS, J., dissenting.

For the reasons expressed in my dissent to the denial of motion for rehearing en banc in Geter v. State, 115 So. 3d 385 (Fla. 3d DCA 2013), I respectfully dissent.