

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2008

WILLIE FRED GAINES,

Appellant,

v.

Case No. 5D07-3691

STATE OF FLORIDA,

Appellee.

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Opinion filed July 1, 2008

Appeal from the Circuit Court  
for Brevard County,  
Lisa Davidson, Judge.

James S. Purdy, Public Defender, and  
Susan A. Fagan, Assistant Public  
Defender, Daytona Beach, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See Robinson v. State, 373 So. 2d 898 (Fla. 1979); see also Byrd v. State, 419 So. 2d 725 (Fla. 5th DCA 1982).

PLEUS, ORFINGER and MONACO, JJ., concur.