

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

JANUARY TERM 2009

ALLAN O. BARAHONA,

Appellant/Cross-Appellee,

v.

Case No. 5D07-4293

STATE OF FLORIDA,

Appellee/Cross-Appellant.

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Decision filed May 29, 2009.

Appeal from the Circuit Court
for Orange County,
Lisa T. Munyon, Judge.

James S. Purdy, Public Defender,
and Nancy Ryan, Assistant Public
Defender, Daytona Beach, for
Appellant/Cross-Appellee.

Bill McCollum, Attorney General,
Tallahassee, and Bonnie Jean Parrish,
Assistant Attorney General, Daytona
Beach, for Appellee/Cross-Appellant.

PER CURIAM.

AFFIRMED.

SAWAYA, and MONACO, JJ, concur, and COHEN, J., concurs specially, with opinion.

CASE NO. 5D07-4293

COHEN, J., concurring specially.

I write simply to note that the State's cross appeal raising the failure of the trial court to adjudicate and sentence the appellant as to Count 4 of the information was not briefed and thus was waived. See Barrett v. Barrett, 951 So. 2d 24 (Fla. 5th DCA 2007).