

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

JANUARY TERM 2009

DANIEL GARCIA,

Appellant,

v.

Case No. 5D08-2701

Corrected Opinion

STATE OF FLORIDA,

Appellee.

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Opinion filed June 9, 2009.

Appeal from the Circuit Court  
for Marion County,  
David B. Eddy, Judge.

James S. Purdy, Public Defender,  
and Nancy Ryan, Assistant Public  
Defender, Daytona Beach, for  
Appellant

Bill McCollum, Attorney General,  
Tallahassee, and Kellie A. Nielan,  
Assistant Attorney General,  
Daytona Beach, for Appellee

PER CURIAM.

AFFIRMED. See State v. DiGuilio, 491 So. 2d 1129 (Fla. 1986).

SAWAYA and COHEN, JJ., and COBB, W., Senior Judge, concur.