

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

JULY TERM 2008

JOHNNY T. DRIVER,

Appellant,

v.

Case No. 5D08-2853

STATE OF FLORIDA,

Appellee.

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Opinion filed November 25, 2008

3.850 Appeal from the Circuit  
Court for Marion County,  
Hale R. Stancil, Judge.

Johnny T. Driver, Perry, pro se.

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

PER CURIAM.

AFFIRMED. See *Newsome v. State*, 869 So. 2d 619 (Fla. 5th DCA 2004).

PLEUS, MONACO and EVANDER, JJ., concur.