

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

JANUARY TERM 2009

ALBERT W. MORRIS,

Appellant,

v.

Case No. 5D08-752

STATE OF FLORIDA,

Appellee.

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Opinion filed January 13, 2009

Appeal from the Circuit Court  
for Osceola County,  
Scott Polodna, Judge.

James S. Purdy, Public Defender, and  
Kevin R. Holtz, Assistant Public Defender,  
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Carmen F. Corrente,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Howard v. State*, 484 So. 2d 1319 (Fla. 3d DCA 1986); *Randall v. State*, 346 So. 2d 1233 (Fla. 3d DCA 1977); *see also State v. Melendez*, 244 So. 2d 137 (Fla. 1971).

PALMER, C.J., SAWAYA and MONACO, JJ., concur.