

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

JULY TERM 2009

JAMES MCHOLLAN,

Appellant,

v.

Case No. 5D09-579

STATE OF FLORIDA,

Appellee.

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Opinion filed August 11, 2009

Appeal from the Circuit Court
for Brevard County,
Robert T. Burger, Judge.

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

Bill McCollum, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Barth v. State*, 955 So. 2d 1115 (Fla. 2d DCA 2006).

PALMER, TORPY and EVANDER, JJ., concur.