

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

JANUARY TERM 2010

JOSE S. CRUZ, a/k/a
BENJAMIN MERLOS DUARTE,

Appellant,

v.

Case No. 5D09-666

STATE OF FLORIDA,

Appellee.

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Opinion filed March 9, 2010

3.850 Appeal from the Circuit
Court for Volusia County,
J. David Walsh, Judge.

James S. Purdy, Public Defender, and
Peter A. Ames, Sr., Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Rebecca Roark Wall,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Green v. State*, 944 So. 2d 208, 218 (Fla. 2006).

PALMER, TORPY and COHEN, JJ., concur.