

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

JANUARY TERM 2012

**NOT FINAL UNTIL THE TIME EXPIRES
TO FILE REHEARING MOTION, AND,
IF FILED, DISPOSED OF.**

ELEMELEC ORTIZ,

Appellant,

v.

CASE NO. 5D11-1331

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 21, 2012

Appeal from the Circuit Court
for Orange County,
Renee A. Roche, Judge.

James S. Purdy, Public Defender and
Meghan Ann Collins, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

AFFIRMED. *See Flagg v. State*, 74 So. 3d 138 (Fla. 1st DCA 2011); *State v. Burgos*, 994 So. 2d 1212 (Fla. 5th DCA 2008).

GRIFFIN, TORPY and LAWSON, JJ., concur.