

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

JANUARY TERM 2012

LUIS A. RIOS,

Appellant,

v.

Case No. 5D11-1955

STATE OF FLORIDA,

Appellee.

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Opinion filed June 8, 2012

Appeal from the Circuit Court
for Orange County,
John H. Adams, Sr., Judge.

James S. Purdy, Public Defender, and
Kevin R. Holtz, 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). We certify that the same issue reviewed in this case is currently pending before the Florida Supreme Court in *State v. Adkins*, 71 So. 3d 117 (Fla. 2011). The mandate will be withheld pending final disposition of *Adkins*.

ORFINGER, C.J., LAWSON and JACOBUS, JJ., concur.