

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

JANUARY TERM 2012

ROLAND R. GALLIE,

Appellant,

v.

Case No. 5D11-2228

STATE OF FLORIDA,

Appellee.

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Opinion filed March 9, 2012

Appeal from the Circuit Court
for Brevard County,
John M. Harris, Judge.

James S. Purdy, Public Defender, and
Michael S. Becker, Assistant Public
Defender, Daytona Beach, for Appellant

Pamela Jo Bondi, Attorney General,
Tallahassee, and Lori N. Hagan, Assistant
Attorney General, Daytona Beach, for
Appellee.

ON MOTION FOR REHEARING

PER CURIAM.

Upon consideration of Roland Gallie's motion for rehearing, we grant the motion, withdraw the opinion issued on January 10, 2012, and substitute this opinion in its place.

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.

AFFIRMED.

SAWAYA, PALMER and EVANDER, JJ., concur.