

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

JANUARY TERM 2012

JUAN C JAM GONZALEZ and
DAMASO DOMINGUEZ,

Appellants,

v.

Case Nos. 5D11-415 & 5D11-459

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 16, 2012

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and
Nancy Ryan, Assistant Public Defender,
Daytona Beach, for Appellant Juan C.
Jam Gonzalez.

Edwin H. Duff, III, Daytona Beach, for
Appellant Damaso Dominguez.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

ON MOTION FOR REHEARING

PER CURIAM.

We grant the motion for written opinion and certification but deny the motion for rehearing. The earlier disposition without opinion is withdrawn and replaced by this opinion.

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., TORPY and LAWSON, JJ., concur.