

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed September 24, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D05-2539  
Lower Tribunal No. 04-00287

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**Jorge Hernandez,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Israel Reyes,  
Judge.

Bennett H. Brummer, Public Defender, and Robert Kalter, Assistant Public  
Defender, for appellant.

Bill McCollum, Attorney General, and Heidi Milan Caballero, Assistant  
Attorney General, for appellee.

Before GERSTEN, C.J., and GREEN and SHEPHERD, JJ.

PER CURIAM.

Affirmed. See D'Anna v. State, 453 So. 2d 151, 152 (Fla. 1st DCA 1984).