

# Third District Court of Appeal

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

Opinion filed September 17, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D06-2741  
Lower Tribunal No. 03-439

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**John Pita,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Monroe County, Richard G. Payne,  
Judge.

Robbins, Tunkey, Ross, Amsel, Raben & Waxman and Benjamin S.  
Waxman, for appellant.

Bill McCollum, Attorney General, and Jill D. Kramer and Lisa A. Davis,  
Assistant Attorneys General, for appellee.

Before GERSTEN, C.J., ROTHENBERG, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See § 794.011(3), Fla. Stat. (2002); Belcher v. State, 961 So. 2d  
239, 256 (Fla.) cert. denied, 128 S. Ct. 621 (2007); Fotopoulos v. State, 608 So. 2d  
784 (Fla. 1992).