

# Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed February 25, 2009.

Not final until disposition of timely filed motion for rehearing.

---

No. 3D06-3170

Lower Tribunal No. 02-6923

---

**Benjee Nicolas,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

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

Carlos J. Martinez, Public Defender, and Manuel Alvarez, Assistant Public  
Defender, for appellant.

Bill McCollum, Attorney General, and Rolando A. Soler, Assistant Attorney  
General, for appellee.

Before GERSTEN, C.J., and RAMIREZ and CORTIÑAS, JJ.

PER CURIAM.

Affirmed. See Chavez v. State, 832 So. 2d 730, 747 (Fla. 2002).