

# Third District Court of Appeal

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

Opinion filed February 04, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D07-1731  
Lower Tribunal No. 05-30759

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**Jose Fonseca,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Peter Adrien, Judge.

Carlos J. Martinez, Public Defender, and Marti Rothenberg, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Jill D. Kramer, Assistant Attorney General, for appellee.

Before RAMIREZ and ROTHENBERG, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed.