

Third District Court of Appeal

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

Opinion filed June 24, 2009.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-2939

Lower Tribunal No. 04-26556

Gustavo Javier Guerra,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Orlando A. Prescott, Judge.

Carlos A. Martinez, Public Defender, and Gwendolyn Powell Braswell, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Linda S. Katz, Assistant Attorney General, for appellee.

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

PER CURIAM.

Affirmed. See Smith v. State, 998 So. 2d 516 (Fla. 2008); see also Fla. R. Crim. P. 3.216; Chestnut v. State, 538 So. 2d 820, 821 (Fla. 1989).