

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2009**

Opinion filed December 23, 2009.  
Not final until disposition of timely filed motion for rehearing.

---

No. 3D08-209  
Lower Tribunal No. 05-19254

---

**David Pierre,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Diane V. Ward,  
Judge.

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

Bill McCollum, Attorney General, and Nikole Hiciano, Assistant Attorney  
General, for appellee.

Before GERSTEN, SHEPHERD, and SUAREZ, JJ.

PER CURIAM.

Affirmed.