

# Third District Court of Appeal

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

Opinion filed March 25, 2009.

Not final until disposition of timely filed motion for rehearing.

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No. 3D08-540

Lower Tribunal No. 07-34250

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**Rudy McGovern,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Spencer Eig,  
Judge.

Rudy McGovern, in proper person.

Bill McCollum, Attorney General, and Nicholas Merlin, Assistant Attorney  
General, for appellee.

Before SUAREZ, ROTHENBERG, and SALTER, JJ.

SUAREZ, J.

Affirmed. See Batista v. State, 993 So. 2d 93 (Fla. 5th DCA 2008).