

# Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed May 12, 2010.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-2317  
Lower Tribunal No. 06-23083

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**Rene Gutierrez,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge.

Carlos J. Martinez, Public Defender, and Robert Kalter, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Timothy R.M. Thomas, Assistant Attorney General, for appellee.

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

PER CURIAM.

Affirmed.