

Third District Court of Appeal

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

Opinion filed June 2, 2010.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-2667

Lower Tribunal No. 04-14028

Justin Polite,
Appellant,

vs.

The State of Florida,
Appellee.

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

Carlos J. Martinez, Public Defender, and Howard K. Blumberg, Assistant Public Defender, for appellant.

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

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

PER CURIAM.

Affirmed. See Simmons v. State, 934 So. 2d 1100, 1119-20 (Fla. 2006);

Fotopoulos v. State, 608 So. 2d 784, 790 (Fla. 1992).