

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed November 12, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-2698  
Lower Tribunal No. 97-28918

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**Brian L. Smith,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Ellen Sue Venzer, Judge.

Brian L. Smith, in proper person.

Bill McCollum, Attorney General, for appellee.

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

PER CURIAM.

Affirmed.