

**Third District Court of Appeal**  
**State of Florida, January Term, A.D. 2009**

Opinion filed June 3, 2009  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-1138  
Lower Tribunal No. 97-1108

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**Johnny W. McIntyre,**  
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, John Thornton, Judge.

Johnny W. McIntyre, in proper person.

Bill McCollum, Attorney General, for appellee.

Before WELLS, SHEPHERD, and LAGOA, JJ.

PER CURIAM.

Affirmed.