

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2009**

Opinion filed September 9, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-2146  
Lower Tribunal No. 97-26891

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**Jose Montes De Oca,**  
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, Diane Ward, Judge.

Jose Montes De Oca, in proper person.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN and CORTIÑAS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed.