

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2006

CARLOS NIEVES,

\*\*

Appellant,

\*\*

vs.

\*\*

CASE NO. 3D05-2614

THE STATE OF FLORIDA,

\*\*

LOWER

TRIBUNAL NO. 97-28936

Appellee.

\*\*

Opinion filed January 11, 2006.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit  
Court of Miami-Dade County, Jacqueline Hogan Scola, Judge.

Carlos Nieves, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before GREEN, RAMIREZ, and ROTHENBERG, JJ.

PER CURIAM.

Affirmed. See Gethers v. State, 838 So. 2d 504 (Fla. 2003).