

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

MARK TOLBERT,

Appellant,

v.

CASE NO. 1D04-4270

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 7, 2005.

An appeal from an order of the Circuit Court for Duval County.

Peter L. Dearing, Judge.

Nancy A. Daniels, Public Defender; John R. Alfino, Assistant Public Defender,
Tallahassee, for appellant.

Charlie Crist, Attorney General; Carolyn J. Mosley, Assistant Attorney General,
Tallahassee, for appellee.

PER CURIAM.

AFFIRMED.

WOLF, ALLEN and BENTON, JJ., CONCUR.