

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

HERBERT BROOKS,

Appellant,

v.

CASE NO. 1D05-1341

STATE OF FLORIDA,

Appellee.

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Opinion filed November 28, 2005.

An appeal from the Circuit Court for Duval County.

Peter L. Dearing, Judge.

Nancy A. Daniels, Public Defender; Carl S. McGinnes and John R. Alfino, Assistant
Public Defenders, Tallahassee, for Appellant.

Charlie Crist, Attorney General; Thomas H. Duffy, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

ERVIN, DAVIS and BENTON, JJ., CONCUR.