

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

JAMES EDWARD CAPPS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D05-3651

Opinion filed November 22, 2006.

An appeal from the Circuit Court for Escambia County.

Michael Jones, Judge.

Nancy A. Daniels, Public Defender, Kathleen A. Stover and Jamie Spivey, Assistant  
Public Defenders, Tallahassee, for Appellant.

Charlie Crist, Attorney General, Robert R. Wheeler, Bureau Chief Criminal Appeals,  
and Elizabeth F. Duffy, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

ERVIN, BARFIELD, and POLSTON, JJ., CONCUR.