

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

ROBERT L. MATTHEWS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D06-0849

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Opinion filed December 20, 2006.

An appeal from the Circuit Court for Leon County.  
Kathleen F. Dekker, Judge.

James C. Banks of Law Firm of Banks & Morris, P.A., Tallahassee, for Appellant.

Charlie Crist, Attorney General, and Daniel A. David, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

ERVIN and DAVIS, JJ., CONCUR; BENTON, J., DISSENTS.