

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

STATE OF FLORIDA,

Appellant,

v.

CASE NO. 1D07-1036

DEREK M. SYLVESTER,

Appellee.

---

Opinion filed January 31, 2008.

An appeal from the Circuit Court for Jackson County.  
Colby Peel, Acting Judge.

Bill McCollum, Attorney General, and Carolyn J. Mosley, Assistant Attorney General,  
and Terry P. Roberts, Assistant Attorney General, Tallahassee, for Appellant.

Nancy A. Daniels, Public Defender, and M.J. Lord, Assistant Public Defender,  
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

BROWNING, C.J., LEWIS, and HAWKES, JJ., CONCUR.