

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2011

NOT FINAL UNTIL THE TIME EXPIRES  
TO FILE REHEARING MOTION, AND,  
IF FILED, DISPOSED OF.

JONATHAN APONTE,

Appellant,

v.

Case No. 5D09-4370

STATE OF FLORIDA,

Appellee.

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Opinion filed December 27, 2011

Appeal from the Circuit Court  
for Orange County,  
F. Rand Wallis, Judge.

James S. Purdy, Public Defender, and  
Thomas J. Lukashow, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Carmen F. Corrente,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Martinez v. State, 981 So. 2d 449 (Fla. 2008), and Barnes v. State, 12 So. 3d 797 (Fla. 5th DCA 2009)

PALMER, MONACO, and JACOBUS, JJ., concur.