

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

JULY TERM 2010

ARTHUR HIGH,

Appellant,

v.

Case No. 5D10-287

STATE OF FLORIDA,

Appellee.

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Opinion filed November 12, 2010

Appeal from the Circuit Court
for Marion County,
Willard Pope, Judge.

James S. Purdy, Public Defender, and
Rose M. Levering, Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

See Minnesota v. Carter, 525 U.S. 83, 90 (1998) ("Thus, an overnight guest in a home may claim the protection of the Fourth Amendment, but one who is merely present with the consent of the householder may not."); *see also McCauley v. State*, 842 So. 2d 897 (Fla. 2d DCA 2003); *State v. Mallory*, 409 So. 2d 1222 (Fla. 2d DCA 1982).

AFFIRMED.

LAWSON, EVANDER and JACOBUS, JJ., concur.