

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

JULY TERM 2011

MALCOM BAILEY SCARLETT,

Appellant,

v.

Case No. 5D10-3390

STATE OF FLORIDA,

Appellee.

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Opinion filed October 4, 2011

Appeal from the Circuit Court
for Orange County,
Alan S. Apte, Judge.

James S. Purdy, Public Defender, and
Michael S. Becker, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *McKinney v. State*, 24 So. 3d 682 (Fla. 5th DCA 2009), *approved*,
36 Fla. L. Weekly S270 (Fla. June 16, 2011).

ORFINGER, C.J., GRIFFIN and PALMER, JJ., concur.