

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

JANUARY TERM 2011

ELLIOT MARTINEZ,

Appellant,

v.

Case No. 5D10-874

STATE OF FLORIDA,

Appellee.

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Opinion filed January 11, 2011

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

James S. Purdy, Public Defender, and  
Edward J. Weiss, 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. *See Roberts v. State*, 39 So. 3d 372 (Fla. 1st DCA 2010).

MONACO, C.J., EVANDER and JACOBUS, JJ., concur.