

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

JANUARY TERM 2012

JUAN L. GARCIA,

Appellant,

v.

Case No. 5D11-1345

STATE OF FLORIDA,

Respondent.

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Opinion filed February 24, 2012

Appeal from the Circuit Court
For Volusia County,
Randell H. Rowe, III, Judge.

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

Pamela Jo. Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

ON MOTION FOR REHEARING

We grant the motion for rehearing.

AFFIRMED. See *Flagg v. State*, 74 So. 3d 138 (Fla. 1st DCA 2011). We certify that the same issue reviewed in this case is currently pending before the Florida Supreme Court in *State v. Adkins*, 71 So. 3d 117 (Fla. 2011). The mandate will be withheld pending final disposition of *Adkins*.

GRIFFIN, TORPY and LAWSON, JJ., concur.