

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

JANUARY TERM 2012

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

ALFONSO CARO RUBIO,

Appellant,

v.

Case No. 5D11-1464

STATE OF FLORIDA,

Appellee.

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Opinion filed January 10, 2012

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

James S. Purdy, Public Defender,  
and Steven N. Gosney, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Gonzales v. State*, 993 So. 2d 55, 58 (Fla. 5th DCA 2008).

GRIFFIN , TORPY and LAWSON, JJ., concur.