

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

JANUARY TERM 2007

MICHAEL E. FITZGERALD,

Appellant,

v.

Case No. 5D06-1221

STATE OF FLORIDA,

Appellee.

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Opinion filed February 20, 2007

Appeal from the Circuit Court  
for Marion County,  
Brian D. Lambert, Judge.

James S. Purdy, Public Defender, and  
Thomas J. Lukashow, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Arthur v. State*, 818 So. 2d 589 (Fla. 5th DCA 2002), *review denied*, 839 So. 2d 697 (Fla. 2003).

GRIFFIN, THOMPSON and MONACO, JJ., concur.