

# Third District Court of Appeal

State of Florida, January Term, A.D. 2007

Opinion filed February 21, 2007.

Not final until disposition of timely filed motion for rehearing.

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No. 06-3176  
Lower Tribunal No. 97-31386

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**Daniel Garnicki,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b) (2) from the Circuit Court for Miami-Dade County, Gill S. Freeman, Judge.

Paul J. Kneski, for appellant.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN, GREEN, and FLETCHER, JJ.

PER CURIAM.

Affirmed. See Nino v. State, 937 So. 2d 756 (Fla. 3d DCA 2006). We certify conflict with Isaac v. State, 911 So. 2d 813 (Fla. 1st DCA 2005), *review pending*, No. SC05-2047 (Fla. filed Oct. 31, 2005).