

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2009

CLARENCE DENNIS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-3945

[May 20, 2009]

**ON MOTION FOR REHEARING AND/OR CERTIFICATION OF CONFLICT
AND/OR MOTION FOR CLARIFICATION**

DAMOORGIAN, J.

Clarence Dennis filed a Motion for Rehearing and/or Certification of Conflict and/or Motion for Clarification. We deny the motion for rehearing and/or clarification. We certify conflict with the decision of the First District Court of Appeal in *Peterson v. State*, 983 So. 2d 27 (Fla. 1st DCA 2008).

WARNER and MAY, JJ., concur.

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Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Sherwood Bauer, Jr., Judge; L.T. Case No. 2006-CF 625 A.

Carey Haughwout, Public Defender, and Barbara J. Wolfe, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.