

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CRAIG JAMES HOWITT,

Appellant,

v.

Case No. 5D19-2604

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 4, 2020

Appeal from the Circuit Court
for Volusia County,
James R. Clayton, Judge.

Craig James Howitt, Live Oak, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Bonnie Jean Parrish,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

This is the second appeal from Appellant's, Craig Howitt's, conviction for leaving the scene of an accident with death. In Appellant's first appeal, we affirmed his conviction of the crime charged in Count One of the information. *Howitt v. State*, 266 So. 3d 219, 224 (Fla. 5th DCA 2019). We reversed only as to his conviction of two driving under the influence charges, set forth in Counts Two and Three of the information. *Id.* The reversal

for new trial as to those DUI charges was based upon the failure of law enforcement to properly inform Appellant of the possible consequences of refusing to take a breath test or to engage in field sobriety testing. *Id.* at 223.

Following remand, the State nolle prossed Counts Two and Three. Appellant was resentenced as to Count One. Instead of attacking the sentence imposed following remand, Appellant raises numerous issues solely in an effort to have his conviction for Count One overturned. The combined application of the doctrines of law of the case, res judicata, and collateral estoppel bar Appellant from attacking his conviction on Count One, beyond any claims for ineffective assistance of counsel. See *State v. McBride*, 848 So. 2d 287, 289–91 (Fla. 2003).

In his current appeal, Appellant asserted several claims of ineffective assistance of trial counsel. As Appellant acknowledges in his briefs, those matters are generally not reviewable on direct appeal; he may raise them in a Florida Rule of Criminal Procedure 3.850 motion if he can do so in good faith. See *Blanco v. Wainwright*, 507 So. 2d 1377, 1384 (Fla. 1987).

AFFIRMED.

LAMBERT, EDWARDS and TRAVER, JJ., concur.