

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

MARCELINO PENALOZA,

Appellant,

v.

Case No. 5D21-1434

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 8, 2021

Appeal from the Circuit Court
for Brevard County,
Jeffrey Mahl, Judge.

Marcelino Penaloza, Bonifay, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Roberts J.
Bradford, Jr., Assistant Attorney
General, Daytona Beach, for
Appellee.

PER CURIAM.

AFFIRMED. See *Christakis v. Tivoli Terrace, LLC*, 219 So. 3d 85, 86–
87 (Fla. 4th DCA 2017) (holding that the January 1, 2015 amendment to

Florida Rule of Appellate Procedure 9.020(i)(3) does not have retroactive effect so as to undo the abandonment of a motion for new trial which resulted under the prior version of the rule when the notice of appeal was filed before the filing of a signed, written order disposing of the motion for new trial filed by the appealing party).

LAMBERT, C.J., EVANDER and WALLIS, JJ., concur.