

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

JOSHUA CHARLES CARVER,

Appellant,

v.

Case No. 5D21-2882  
LT Case No. 2020-00175-CFFA

STATE OF FLORIDA,

Appellee.

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Opinion filed October 3, 2022

Appeal from the Circuit Court  
for Flagler County,  
Terence R. Perkins, Judge.

Matthew J. Metz, Public Defender, and George  
D. E. Burden, Assistant Public Defender,  
Daytona Beach, for Appellant.

Ashley Moody, Attorney General, Tallahassee,  
and Kaylee D. Tatman, Assistant Attorney  
General, Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Suarez Albo v. State, 300 So. 3d 1243 (Fla. 3d DCA 2020); see also Gordon v. State, 219 So. 3d 189, 197 n.8 (Fla. 3d DCA 2017) (“For example, in a homicide prosecution, the jury is not permitted to consider any non-homicide lesser-included offenses (e.g., aggravated battery) even if such lesser-included offenses are subsumed within and necessarily established by proof of the murder charge, unless there is some disputed issue of fact (and some evidence to support a theory) regarding an intervening cause of death.”); State v. Barritt, 531 So. 2d 338, 339 (Fla. 1988); Martin v. State, 342 So. 2d 501, 503 (Fla. 1977) *superseded on other grounds* by Florida Rule of Criminal Procedure 3.490; Humphrey v. State, 690 So. 2d 1351 (Fla. 3d DCA 1997).

LAMBERT, C.J., EDWARDS and HARRIS, JJ., concur.