

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

HARLEY ALEXANDER MCMILLAN,

Appellant,

v.

Case No. 5D13-2186

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 31, 2014

Appeal from the Circuit Court
for Orange County,
Donald A. Myers, Jr., Judge.

James S. Purdy, Public Defender, and
Allison A. Havens, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Hess v. State*, 794 So. 2d 1249, 1261 (Fla. 2001) (“Because we find sufficient evidence of felony murder, we need not address appellant’s claim that the trial court erred in denying his motion for judgment of acquittal because the evidence was insufficient to establish premeditation.”); *see also Brooks v. State*, 762 So. 2d 879, 896 (Fla. 2000); *Brown v. State*, 644 So. 2d 52, 53 (Fla. 1994).

TORPY, C.J., GRIFFIN and EVANDER, JJ., concur.