

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

JULY TERM 2013

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

FELIPE GARCIA-ROQUE,

Appellant,

v.

Case No. 5D13-230

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed August 30, 2013

Appeal from the Circuit Court  
for Orange County,  
Margaret Schreiber, Judge.

James S. Purdy, Public Defender, and  
Christopher S. Quarles, Assistant  
Public Defender, Daytona Beach, for  
Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Felipe Garcia-Roque appeals his convictions and sentences on three counts of sexual battery of a child under eighteen by a person in familial or custodial authority, entered after he entered pleas to the charges while purportedly reserving the right to appeal the trial court's ruling on a pre-trial motion in limine. Because the trial court's ruling on the motion in limine was not dispositive, *see, e.g., Levine v. State*, 788 So. 2d

379, 380 (Fla. 4th DCA 2001) (explaining that "[a]n issue is legally dispositive only if, regardless of whether the appellate court affirms or reverses the lower court's decision, there will be no trial of the case") (internal quotations and citations omitted), it cannot be challenged on direct appeal following Garcia-Roque's pleas. *Id.* ("An issue is preserved for appeal on a guilty plea only if it is dispositive of the case.") (citations omitted). As such, we affirm Garcia-Roque's convictions and sentences without addressing the trial court's ruling on the motion in limine. Our affirmance is without prejudice to any post-conviction remedy that may be available.

AFFIRMED.

SAWAYA, ORFINGER, and LAWSON, JJ., concur.