

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MICHAEL MICHANOWICZ,

Appellant,

v.

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

CASE NO. 1D04-5044

STATE OF FLORIDA,

Appellee.

Opinion filed June 29, 2006.

An appeal from the Circuit Court for Leon County.
James Hankinson, Judge.

Michael Ufferman of the Michael Ufferman Law Firm, P.A., Tallahassee, for
Appellant.

Charlie Crist, Attorney General, Robert R. Wheeler, Chief, Criminal Appeals, and
Thomas D. Winokur, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Affirmed. See § 924.051(4), Fla. Stat. (2003) (“If a defendant pleads nolo
contendere without expressly reserving the right to appeal a legally dispositive issue,
. . . the defendant may not appeal the judgment or sentence.”); § 924.06(3), Fla. Stat.

(2003) (same). See also Williams v. State, 919 So. 2d 645, 646 (Fla. 4th DCA 2006) (“Where the coercion alleged is legally insufficient or conclusively refuted by the record, there is no need to hold an evidentiary hearing or appoint conflict-free counsel.”). See also Blakely v. Washington, 542 U.S. 296, 301, 303 (2004) (reaffirming the exception for “the fact of a prior conviction,” and defining “‘statutory maximum’ for Appendi [v. New Jersey, 530 U.S. 466 (2000),] purposes [a]s the maximum sentence a judge may impose solely on the basis of the facts reflected in the jury verdict or admitted by the defendant”) (emphasis omitted); Daniels v. State, 31 Fla. L. Weekly D1460, D1461 (Fla. 1st DCA May 25, 2006) (“[T]here is no Appendi violation [where], as the record indicates, the . . . additional [scoresheet] points did not cause Appellant’s sentence . . . to exceed the prescribed statutory maximum.”).

ERVIN, BENTON, and BROWNING, JJ., CONCUR.