

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

November 18, 2015

|                   |   |                    |
|-------------------|---|--------------------|
| DEAN A. BIRCHARD, | ) |                    |
|                   | ) |                    |
| Appellant,        | ) |                    |
|                   | ) |                    |
| v.                | ) | Case No. 2D13-5766 |
|                   | ) |                    |
| STATE OF FLORIDA, | ) |                    |
|                   | ) |                    |
| Appellee.         | ) |                    |
| _____             | ) |                    |

BY ORDER OF THE COURT:

The Appellant's motion for rehearing filed September 18, 2015, is granted.

The per curiam opinion dated September 4, 2015, is withdrawn, and the attached revised opinion is substituted therefor. The Appellant's Amended Motion/Request for Issuance of Written Opinion filed September 18, 2015, has been denied. No further motions for rehearing will be entertained in this appeal.

I HEREBY CERTIFY THE FOREGOING IS A  
TRUE COPY OF THE ORIGINAL COURT ORDER.

MARY ELIZABETH KUENZEL, CLERK

cc: J. Andrew Crawford, Esq. (AA)  
Katherine Coombs Cline, Esq. (AE)  
Dean A. Birchard

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

DEAN A. BIRCHARD, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D13-5766

Opinion filed November 18, 2015.

Appeal from the Circuit Court for Pinellas  
County; R. Timothy Peters, Judge.

J. Andrew Crawford of J. Andrew Crawford,  
P.A., St. Petersburg, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Katherine Coombs Cline,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

Affirmed without prejudice to the appellant's right to file a timely motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850 challenging the effectiveness of his trial counsel with respect to the issues raised in this appeal as well as any other matters relating to postconviction relief which the appellant may wish to set forth in such a motion.

CASANUEVA, WALLACE, and BLACK, JJ., Concur.