

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed December 17, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D06-847  
Lower Tribunal No. 00-21962

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**Leonora Perez-Kahn,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Peter Adrien,  
Judge.

Charles G. White, for appellant.

Bill McCollum, Attorney General, and Nicholas Merlin, Assistant Attorney  
General, for appellee.

Before COPE, RAMIREZ, and SALTER, JJ.

PER CURIAM.

Affirmed. On July 9, 2000, appellant, Leonora Perez-Kahn, was arrested in  
flagrante during a burglary; confessed; during the trial, absconded; was arrested a  
year later; then pled guilty, waiving the right to appeal. We granted her petition

for a belated appeal, and the public defender was appointed. We affirmed after the public defender filed an Anders brief. See Anders v. California, 386 U.S. 738 (1967). We then granted a motion for rehearing and allowed private counsel to file briefs.

Perez-Kahn argues that the trial court erred in continuing with the trial after Perez-Kahn voluntarily absented herself from the proceedings. However, in her plea agreement with the State, Perez-Kahn waived her right to appeal. She specifically agreed that continuing the trial without her presence was correct despite the absence of actual notice; that she was not unfairly prejudiced by her trial *in absentia*; that her trial was error-free; and that her attorney had rendered constitutionally effective assistance. Consequently, her waiver as a result of the plea agreement is fatal to her claims of trial and sentencing error on appeal.

The issue Perez-Kahn raises alleging ineffective assistance of counsel was never raised below and is, thus, rejected.

Affirmed.