

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

ROBERT E. PHILYAW, II,

Appellant,

v.

Case No. 5D17-3251

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed August 17, 2018

3.850 Appeal from the Circuit  
Court for Marion County,  
Jonathan D. Ohlman, Judge.

Robert E. Philyaw, II, Defuniak Springs, pro  
se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kaylee D. Tatman,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Appellant filed an appeal with this Court following the denial of his motion seeking postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. However, the issues and arguments Appellant raises here were not presented to the postconviction court. Accordingly, those issues and arguments are not properly before this Court. *Evans*

*v. State*, 975 So. 2d 1035, 1042 (Fla. 2007). We affirm the postconviction court's order denying Appellant's rule 3.850 motion.

AFFIRMED.

ORFINGER, EVANDER and EDWARDS, JJ., concur.