

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

JAMES RICHARD BURNETTE, III,

Appellant,

v.

Case No. 5D19-1874

STATE OF FLORIDA,

Appellee.

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Opinion filed July 2, 2020

3.850 Appeal from the Circuit  
Court for Volusia County,  
Dennis Craig, Judge.

James S. Purdy, Public Defender, and Ali L.  
Hansen, Assistant Public Defender,  
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. *See Currier v. Virginia*, 138 S. Ct. 2144, 2148–50 (2018) (holding that criminal defendant who chooses severance of charges cannot successfully argue that prosecution on second charge offends Double Jeopardy Clause of Fifth Amendment to United States Constitution); *Morris v. State*, 252 So. 3d 383, 385–86 (Fla. 3d DCA 2018)

(concluding that “[t]he analysis in *Currier* holds that the defendant’s consent to the severance (including a second trial on the severed count) obviates any concern or claim that the second trial violates the Double Jeopardy Clause”); see also *Dunbar v. State*, 89 So. 3d 901, 904 n.2 (Fla. 2012) (“The scope of the Double Jeopardy Clause is the same in both the federal constitution and the Florida Constitution.” (quoting *Hall v. State*, 823 So. 2d 757, 761 (Fla. 2002))).

COHEN, LAMBERT, and HARRIS, JJ., concur.