

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

JOSE MAISONET-MALDONADO,

Appellant,

v.

Case No. 5D18-942

STATE OF FLORIDA,

Appellee.

_____ /
Opinion filed January 29, 2021

3.850 Appeal from the Circuit Court for
Orange County,
John M. Kest, Judge.

Matthew J. Metz, Public Defender, and Andrew
Mich, Assistant Public Defender, Daytona
Beach, for Appellant.

Ashley Moody, Attorney General, Tallahassee,
and Amit Agarwal, Solicitor General, and Jeffrey
Paul DeSousa, Deputy Solicitor General,
Tallahassee, and Kellie A. Nielan, Assistant
Attorney General, Daytona Beach, for Appellee.

ON REMAND FROM FLORIDA SUPREME COURT

PER CURIAM.

The Florida Supreme Court quashed our decision affirming in part and reversing in part the summary denial of Jose Maisonet-Maldonado's motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850. *See State v. Maisonet-Maldonado*, 45 Fla. L. Weekly S324 (Fla. Dec. 10, 2020), quashing *Maisonet-Maldonado v. State*, 283

So. 3d 862 (Fla. 5th DCA 2019). Answering our certified question, the Florida Supreme Court held that section 775.021, Florida Statutes, supersedes the single homicide rule. See *id.* at S327, receding from *State v. Chapman*, 625 So. 2d 838 (Fla. 1993). Because the single homicide rule is inapplicable, we withdraw our decision reversing the postconviction court's summary denial of ground eight and affirm in full the summary denial of Maisonet-Maldonado's motion.

AFFIRMED.

ORFINGER, HARRIS and TRAVER,¹ JJ., concur.

¹ Judge Traver has been substituted for Judge Jacobus, who was on the original panel.