

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

DANIEL W. FRUEHWIRTH,

Appellant,

v.

Case No. 5D19-297

STATE OF FLORIDA,

Appellee.

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Opinion filed June 29, 2021

Appeal from the Circuit Court  
for Volusia County,  
Matthew M. Foxman, Judge.

Matthew J. Metz, Public Defender,  
and Susan A. Fagan, Assistant  
Public Defender, Daytona Beach,  
for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Kaylee D.  
Tatman, Assistant Attorney  
General, Daytona Beach, for  
Appellee.

*ON REMAND FROM THE FLORIDA SUPREME COURT*

PER CURIAM.

AFFIRMED. See *State v. Gabriel*, 314 So. 3d 1243 (Fla. 2021).

EDWARDS, SASSO and TRAVER, JJ., concur.