

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

JAMES MICHAEL ZIMMERMAN,

Appellant,

v.

Case No. 5D12-2802

STATE OF FLORIDA,

Appellee.

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Opinion filed October 25, 2013

Appeal from the Circuit Court  
for Marion County,  
Brian D. Lambert, Judge.

Jack R. Maro, of Law Office of Jack R.  
Maro, P.A., Ocala, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Carmen F. Corrente,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

James Zimmerman appeals his conviction for sexual battery on a physically helpless person. The only issues raised on this direct appeal relate to the alleged ineffectiveness of his trial counsel. We affirm. A claim of ineffective assistance of counsel may be raised on direct appeal only where the ineffectiveness is apparent on

the face of the record. *Gore v. State*, 784 So. 2d 418, 437-38 (Fla. 2001). Our affirmance is without prejudice to Zimmerman's right to seek postconviction relief.

AFFIRMED.

PALMER, EVANDER and BERGER, JJ., concur.