

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-453

ALFRED WOODS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Tatiana R. Salvador, Judge.

August 17, 2020

PER CURIAM.

AFFIRMED. *See generally Rembert v. State*, Case No. 1D19-2499, 45 Fla. L. Weekly D1670, 2020 WL 3957867 (Fla. 1st DCA July 13, 2020) (affirming trial court’s denial of resentencing on remand notwithstanding earlier mandate based on *Atwell v. State*, 197 So. 3d 1040 (Fla. 2016), because *Atwell* had been overruled “by clear intervening precedent” in *Franklin v. State*, 258 So. 3d 1239 (Fla. 2018), before defendant was resentenced; approving “a trial court’s ability to disregard a mandate . . . when it is undoubtedly certain that the basis for that mandate has been subsequently overruled before” compliance).

KELSEY, JAY, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Justin F. Karpf, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General; and Tabitha R. Herrera, Assistant Attorney General, Tallahassee, for Appellee.