

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

IVAN MALDANADO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D17-2661

[July 25, 2018]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; James W. McCann, Judge; L.T. Case No. 56-2011-CF-002677-A.

Ivan Maldonado, Wewahitchka, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Matthew Steven Ocksrider, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. See *Hart v. State*, — So. 3d —, 43 Fla. L. Weekly D970a, 2018 WL 2049668 (Fla. 4th DCA May 2, 2018) (en banc). As we did in *Hart*, we certify conflict with *Cuevas v. State*, 241 So. 3d 947 (Fla. 2d DCA 2018); *Blount v. State*, 238 So. 3d 913 (Fla. 2d DCA 2018); *Mosier v. State*, 235 So. 3d 957 (Fla. 2d DCA 2017); *Alfaro v. State*, 233 So. 3d 515, 516 (Fla. 2d DCA 2017); and *Burrows v. State*, 219 So. 3d 910, 911 (Fla. 5th DCA 2017).

CONNER and KLINGENSMITH, JJ., concur.
WARNER, J. concurring with opinion.

WARNER, J. concurring.

Although I adhere to my dissent in *Hart v. State*, — So. 3d —, 43 Fla. L. Weekly D970a, 2018 WL 2049668 (Fla. 4th DCA May 2, 2018) (en banc), I recognize that *Hart* is now the law of this district until the certified question is answered by our supreme court.

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Not final until disposition of timely filed motion for rehearing.