

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RAFAEL LESENDE, DOC# Y63264,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D17-4157

Opinion filed November 14, 2018.

Appeal from the Circuit Court for Collier
County; Christine H. Greider, Judge.

Lee Hollander of Law Offices of Hollander
and Hanuka, Naples, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Brandon R. Christian,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Rafael Lesende challenges his convictions and sentences for perjury
(count one), possession of a vessel with a missing or altered hull identification number
(count two), and possessing a part—a boat engine—with a missing or altered
identification number—an engine serial number (count three). We affirm Mr. Lesende's
convictions and sentences without prejudice to any right he may have to seek

postconviction relief under Florida Rule of Criminal Procedure 3.850 or Florida Rule of Appellate Procedure 9.141(d) on the question of whether, with respect to count three, the possession of a part of a vessel with a missing or altered serial number, as opposed to a missing or altered vessel or hull identification number, is actually criminalized by section 328.07(4)(b), Florida Statutes (2016).

Affirmed.

LaROSE, C.J., and KELLY and SALARIO, JJ., Concur.