

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

LORNINOUS ISOM,)	
)	
Appellant,)	
)	
v.)	Case No. 2D12-3027
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed January 17, 2014.

Appeal from the Circuit Court for Manatee
County; Janette Dunnigan, Judge.

Howard L. Dimmig, II, Public Defender, and
Terrence E. Kehoe, Special Assistant
Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Timothy A. Freeland,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Affirmed.

CASANUEVA and KELLY, JJ., Concur.
LaROSE, J., Concur with opinion.

LaROSE, Judge, Concurring.

This appeal involves the denial of Lorninous Isom's motion for postconviction relief. See Fla. R. Crim. P. 3.850. The postconviction court properly denied relief and this court properly affirms the order on appeal. I write separately to address Mr. Isom's claim that the postconviction court erred in allowing the assistant state attorney who prosecuted him for the underlying first-degree murder charge to testify as the State's key witness and to act as the State's advocate at the rule 3.850 evidentiary hearing.

I find it clear, and the State seemingly concedes, that the prosecutor should not have served as witness and counsel at the hearing. See R. Regulating Fla. Bar 4-3.7(a). I do not condone this dual role. However, the record before us fails to demonstrate that Mr. Isom suffered any undue prejudice as a result.