

Third District Court of Appeal

State of Florida

Opinion filed March 15, 2017.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-218
Lower Tribunal No. 92-26832

Fritz Major,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Alberto Milian, Judge.

Ana M. Davide, for appellant.

Pamela Jo Bondi, Attorney General, for appellee.

Before ROTHENBERG, SALTER, and EMAS, JJ.

ROTHENBERG, J.

Affirmed. See State v. Griffith, 675 So. 2d 911, 913-14 (Fla. 1996) (holding that a defendant waives his right to be charged as a juvenile by not asserting it at the trial level); Williams v. State, 754 So. 2d 67, 69 (Fla. 4th DCA 2000) (“Prosecution of a juvenile under Chapter 985, Florida Statutes (1999), is not a question of jurisdiction, in the sense that a court has the power to hear the case. . . . The right to be prosecuted as a juvenile is one that can be waived.”); Smith v. State, 345 So. 2d 1080, 1082 (Fla. 3d DCA 1977) (holding that where a defendant voluntarily submits to the jurisdiction of the circuit court’s adult division, pleads guilty, does not appeal, and accepts the benefits therefrom, he is estopped from later changing his position and challenging the court’s jurisdiction).