

# Third District Court of Appeal

State of Florida

Opinion filed June 6, 2018.

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No. 3D14-1635  
Lower Tribunal No. 11-10772

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**Earvin Smith,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Ariana Fajardo Orshan, Judge.

Carlos J. Martinez, Public Defender, and Susan S. Lerner, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Jeffrey R. Geldens, Assistant Attorney General, for appellee.

Before ROTHENBERG, C.J., and SUAREZ, LAGOA, SALTER, EMAS, FERNANDEZ, LOGUE, SCALES, LUCK and LINDSEY, JJ.

PER CURIAM.

**ON REMAND FROM THE FLORIDA SUPREME COURT**

This case returns to us from the Florida Supreme Court, which quashed that portion of our earlier decision reversing Smith’s conviction and sentence for armed burglary.<sup>1</sup> See State v. Smith, 43 Fla. L. Weekly S177 (Fla. April 12, 2018). In accordance with the Florida Supreme Court’s opinion and pursuant to its mandate, we reinstate and affirm Earvin Smith’s conviction and sentence for armed burglary.

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<sup>1</sup> Smith v. State, 211 So. 3d 176 (Fla. 3d DCA 2016). We stayed the issuance of our mandate pending review by the Florida Supreme Court.