

# Third District Court of Appeal

## State of Florida

Opinion filed January 03, 2018.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D17-1479  
Lower Tribunal Nos. 17-80-A-K & 17-165-A-K

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**Charles Richard Rhines,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An appeal conducted pursuant to Anders v. California, 386 U.S. 738 (1967), from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Charles Richard Rhines, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before ROTHENBERG, C.J., and EMAS and LUCK, JJ.

ROTHENBERG, C.J.

The defendant below, Charles Richard Rhines, appeals his convictions and sentences entered following his plea of nolo contendere, arguing that his plea was

involuntarily entered. As the defendant did not file a motion to withdraw his plea in the lower tribunal, asserting that his plea was involuntary, we are without jurisdiction to entertain this issue on direct appeal. See Fla. R. App. P. 9.140(b)(2)(A)(ii)(c) (stating that a defendant who pleads nolo contendere may directly appeal based on the ground that his plea is involuntary if the ground of involuntary plea is preserved by a motion to withdraw plea). Accordingly, we dismiss the defendant's appeal but do so without prejudice to allow the defendant to raise this issue in a motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850(a)(5). See Fla. R. Crim. P. 3.850(a)(5) (stating that a defendant who enters a plea of nolo contendere may file a motion for postconviction relief on the ground that the plea was involuntary).

Dismissed without prejudice.