

Third District Court of Appeal

State of Florida

Opinion filed October 23, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D15-2759
Lower Tribunal No. 80-19545A

Freddy Brown,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Miguel M. de la O, Judge.

Carlos J. Martinez, Public Defender, and Jonathan Greenberg, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Michael W. Mervine, Assistant Attorney General, for appellee.

Before FERNANDEZ, LOGUE and SCALES, JJ.

ON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

On January 3, 2019, the Florida Supreme Court quashed this Court's March 8, 2017 opinion that had reversed the trial court's denial of appellant's Florida Rule of Criminal Procedure 3.850 motion, and remanded this case for reconsideration in light of the Florida Supreme Court's decision in Franklin v. State, 258 So. 3d 1239 (Fla. 2018). See State v. Brown, 44 Fla. L. Weekly S125 (Fla. Jan. 3, 2019) (appellate case number SC17-923). On remand, this Court held the proceeding in abeyance so that appellant could file a petition for writ of certiorari with the United States Supreme Court. The United States Supreme Court denied appellant's petition. See Brown v. State, 18-9159, 2019 WL 4921801 (U.S. Oct. 7, 2019).

After considering the parties' supplemental briefing, we now affirm the trial court's October 28, 2015 order denying appellant's postconviction motion. See Franklin v. State, 258 So. 3d 1239 (Fla. 2018); State v. Michel, 257 So. 3d 3 (Fla. 2018).

Affirmed.