

Third District Court of Appeal

State of Florida

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

No. 3D16-1090
Lower Tribunal No. 79-5376

Joseph Carter,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Lisa S. Walsh,
Judge.

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

Ashley Moody, Attorney General, and Linda S. Katz, 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 15, 2017 opinion that had reversed the trial court's denial of appellant's postconviction 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. Carter, 44 Fla. L. Weekly S125 (Fla. Jan. 3, 2019) (appellate case number SC17-768). 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 Carter v. State, No. 18-9080, 2019 WL 4921593 (U.S. Oct. 7, 2019).

After considering the parties' supplemental briefing, we now affirm the trial court's April 27, 2016 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.