

Third District Court of Appeal

State of Florida

Opinion filed April 24, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-424
Lower Tribunal No. 94-1304A

Arturo G. Gonzalez,
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, Mark Blumstein, Judge.

Arturo G. Gonzalez, in proper person.

Ashley Moody, Attorney General, for appellee.

Before FERNANDEZ, LOGUE, and MILLER, JJ.

PER CURIAM.

Affirmed. See Gonzalez v. State, 789 So. 2d 1091, 1092 (Fla. 3d DCA 2001) (“During the belated appeal, defendant accepted his counsel’s advice that it would be in his best interest to forego making a Gray¹ challenge. Having accepted the benefit of the bargain and having waived the Gray issue, the plea agreement cannot be reopened now.”); see also Fla. R. Crim. P. 3.800(a)(2) (“A court may dismiss a second or successive motion if the court finds that the motion fails to allege new or different grounds for relief and the prior determination was on the merits.”); Garcia v. State, 69 So. 3d 1003, 1004 (Fla. 3d DCA 2011) (“[A] defendant is not entitled to successive review of a specific issue that already has been decided on the merits.”) (citation omitted).

¹ State v. Gray, 654 So. 2d 552 (Fla. 1995).