

Third District Court of Appeal

State of Florida

Opinion filed August 7, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-949
Lower Tribunal No. 98-35025

Rudolph Maxwell,
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, Milton Hirsch, Judge.

Rudolph Maxwell, in proper person.

Ashley Moody, Attorney General, and Linda Katz, Assistant Attorney General, for appellee.

Before SALTER, MILLER, and GORDO, JJ.

PER CURIAM.

Affirmed. See Hughes v. State, 22 So. 3d 132, 133 (Fla. 2d DCA 2009) (“[F]undamental error,’ . . . [is] most commonly defined as an error for which relief can be given on direct appeal even if the issue was not preserved in the trial court . . . [A]n error that is actually reviewable on direct appeal as ‘fundamental error’ cannot be raised on postconviction review except as a matter of ineffective assistance of counsel.”).