

# Third District Court of Appeal

State of Florida, July Term, A.D. 2013

Opinion filed October 30, 2013

Not final until disposition of timely filed motion for rehearing.

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No. 3D12-821

Lower Tribunal Nos. 09-37028; 09-37029

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**Latoya Washington,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Stacy D. Glick,  
Judge.

Latoya Washington, in proper person.

Pamela Jo Bondi, Attorney General, and Michael W. Mervine, Assistant  
Attorney General, for appellee.

Before WELLS, ROTHENBERG and LAGOA, JJ.

WELLS, Judge.

Latoya Washington has moved to reinstate her appeal from a final order of conviction and imposition of sentence. We treat that motion as a belated motion for rehearing which for the following reasons, we deny.

On March 28, 2013, Washington was notified that the Public Defender had moved to withdraw from its representation of her having determined that her appeal was without merit and was frivolous. Proceeding in the manner outlined in Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed. 2d 493 (1967), this court withheld ruling on that motion and, among other things, notified Washington that she had thirty days within which to submit points of law or grounds to support her appeal.

On May 22, having received no brief or points for consideration from Washington, this court granted the Assistant Public Defender's motion to withdraw. That same day, having considered the entire record in this matter, as well as the memorandum brief filed by the Public Defender before it moved to withdraw, this court issued its opinion affirming *per curiam* the order on appeal.

On June 17, this court's mandate issued. Nine days later, on June 29, Washington notified this court that she had filed a brief in this matter followed by an inquiry as to whether this court had ever received her brief. Washington was advised that her brief was never received by this court.

On August 29, 2013, Washington moved to reinstate her appeal, claiming that the court should not have issued its opinion or its mandate without consideration of her brief, a copy of which was attached to her motion.

We treat Washington's June 29 inquiry to this court as a timely motion to recall mandate which we grant. We treat Washington's August 29 motion to reinstate her appeal as a belated motion for rehearing which we deny because as the record and Washington's brief confirm, she is entitled to no relief from the order on appeal.