

Third District Court of Appeal

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

Opinion filed October 16, 2013.
Not final until disposition of timely filed motion for rehearing.

No. 3D13-2285
Lower Tribunal No. F95-39772C

Jerdy Macklin,
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, Teresa Mary Pooler, Judge.

Jerdy Macklin, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before SUAREZ, SALTER and EMAS, JJ.

PER CURIAM.

Affirmed. See *Geter v. State*, 115 So. 3d 375 (Fla. 3d DCA 2012), reh'g denied, 115 So. 3d 385 (Fla. 3d DCA 2013); *Falcon v. State*, 111 So. 3d 973 (Fla. 1st DCA 2013), review granted, No. SC13-865 (Fla. June 3, 2013).

SUAREZ and SALTER, JJ., concur.

Jerdy Macklin v. State,
3D13-2285

EMAS, J., dissenting.

For the reasons expressed in my dissent to the denial of motion for rehearing en banc in Geter v. State, 115 So. 3d 385 (Fla. 3d DCA 2013), I respectfully dissent.