

# Supreme Court of Florida

MONDAY, FEBRUARY 28, 2022

**CASE NO.: SC22-98**

Lower Tribunal No(s).:

3D21-1464; 442017CF000314000AKW; 442017CF000164000AKW;  
442017IN001716000AKW

JEFFREY RAY SUNDWALL vs. STATE OF FLORIDA

**Petitioner(s)**

**Respondent(s)**

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

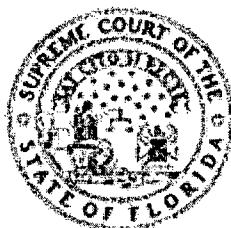
No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

POLSTON, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

A True Copy

## Test:

John A. Tomasino  
Clerk, Supreme Court



dl

**Served:**

MICHAEL W. MERVINE  
HON. MARK H. JONES, JUDGE  
HON. KEVIN MADOK, CLERK  
HON. MERCEDES M. PRIETO, CLERK

## JEFFREY RAY SUNDWALL

# Third District Court of Appeal

State of Florida

Opinion filed November 24, 2021.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D21-1464  
Lower Tribunal Nos. 17-314-A-K, 17-160-A-K, & 17-164-A-K

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**Jeffrey Ray Sundwall,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An appeal from the Circuit Court for Monroe County, Mark H. Jones,  
Judge.

Jeffrey Ray Sundwall, in proper person.

Ashley Moody, Attorney General, and Sandra Lipman, Assistant  
Attorney General, for appellee.

Before LINDSEY, HENDON, and MILLER, JJ.

PER CURIAM.



Affirmed without prejudice to the filing of a motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850. See Fla. R. Crim. P. 3.170(l) ("A defendant who pleads guilty or nolo contendere without expressly reserving the right to appeal a legally dispositive issue may file a motion to withdraw the plea within thirty days after the rendition of the sentence . . ."); State v. Bullard, 858 So. 2d 1189, 1192 (Fla. 2d DCA 2003) ("[W]e note that the trial court should not have ordered a new trial on the count for battery on a law enforcement officer because Bullard had already entered a plea on that charge.").

P#

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT

DECEMBER 23, 2021

JEFFREY RAY SUNDWALL,  
Appellant(s)/Petitioner(s),

vs.

THE STATE OF FLORIDA,  
Appellee(s)/Respondent(s),

CASE NO.: 3D21-1464

L.T. NO.: 17-314-A-K,  
17-160-A-K,  
17-164-A-K

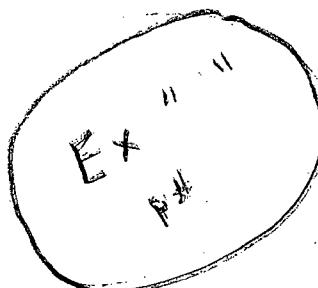
Upon consideration, pro se Appellant's "Motion for Rehearing  
and/or Certify a Question of Conflict" is hereby denied.

LINDSEY, HENDON and MILLER, JJ., concur.

Pro se Appellant's Motion for Rehearing En Banc is denied.

FERNANDEZ, C.J., and EMAS, LOGUE, LINDSEY, HENDON,  
MILLER, GORDO, LOBREE and BOKOR, JJ., concur.

SCALES, J., recused.

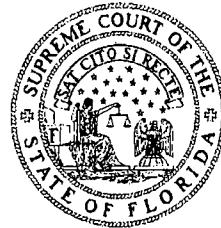


cc:

Office of Attorney General

Sandra Lipman

Jeffrey Sundwall



3-2-22

# Supreme Court of Florida

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Tallahassee, Florida 32399-1927

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MARK CLAYTON  
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STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.floridasupremecourt.org](http://www.floridasupremecourt.org)

March 2, 2022  
vs. STATE OF FLORIDA

CASE NUMBER: SC22-98

Lower Tribunal Case Number(s): 3D21-1464;  
442017CF000314000AKW; 442017CF000164000AKW;  
442017IN001716000AKW

Lower Tribunal Filing Date: 1/21/2022

The Florida Supreme Court has received the following document reflecting a filing date of 3/2/2022.

Motion for Extension and Leave for Reply

In response the above motion, please be advised that the above mentioned case is closed. Further, there are no provisions in the Florida Rules of Appellate Procedure for the filing of a reply brief on jurisdiction.

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause.

dl  
cc:  
MICHAEL W. MERVINE  
JEFFREY RAY SUNDWALL

**Additional material  
from this filing is  
available in the  
Clerk's Office.**