

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

BRIAN EVAN ROTH,

Appellant,

v.

Case No. 5D21-2448  
LT Case No. 2016-CF-036747-A

STATE OF FLORIDA,

Appellee.

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Decision filed November 15, 2022

Appeal from the Circuit Court  
for Brevard County,  
Steve Henderson, Judge.

Michael Ufferman, of Michael Ufferman  
Law Firm, P.A., Tallahassee, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

EDWARDS, EISNAUGLE and HARRIS, JJ., concur.

# M A N D A T E

from

## DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

### FIFTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL OR BY PETITION, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION OR DECISION;

YOU ARE HEREBY COMMANDED THAT FURTHER PROCEEDINGS AS MAY BE REQUIRED BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE RULING OF THIS COURT AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE BRIAN D. LAMBERT, CHIEF JUDGE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT, AND THE SEAL OF THE SAID COURT AT DAYTONA BEACH, FLORIDA ON THIS DAY.

DATE: December 09, 2022

FIFTH DCA CASE NO.: 5D 21-2448

CASE STYLE: BRIAN EVAN ROTH v. STATE OF FLORIDA

COUNTY OF ORIGIN: Brevard

TRIAL COURT CASE NO.: 2016-CF-036747-A

I hereby certify that the foregoing is  
(a true copy of) the original Court mandate.



*Sandra B. Williams*

SANDRA B. WILLIAMS, CLERK

Mandate and Opinion to: Clerk Brevard  
cc: (without attached opinion)

Kristen L. Davenport

Michael Ufferman

Office of the Attorney  
General

# Supreme Court of Florida

FRIDAY, FEBRUARY 17, 2023

**CASE NO.: SC23-255**  
Lower Tribunal No(s).:  
5D21-2448; 052016CF036747AXXXXX

BRIAN EVAN ROTH

vs. STATE OF FLORIDA

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Petitioner(s)

Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

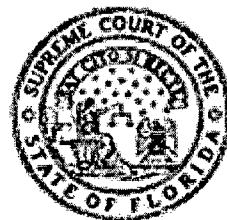
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



td

Served:

REBECCA ROCK MCGUIGAN  
BRIAN EVAN ROTH  
HON. STEPHEN G. HENDERSON, JUDGE  
HON. RACHEL M. SADOFF, CLERK  
HON. SANDRA B. WILLIAMS, CLERK