

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR OSCEOLA COUNTY, FLORIDA

LUIS JOHAN CARLOS PEYNADO-FATIOL,  
Appellant,

APPELLATE CASE NO: 2018-AP-7  
Lower Case No: 2017-MM-2809

v.

STATE OF FLORIDA,  
Appellee.

\_\_\_\_\_ /

Appeal from the County Court  
for Osceola County, Florida,  
Carol E. Draper, County Judge

Luis Johan Carlos Peynado-Fatiol,  
pro se, Appellant.

Carol Levin Reiss,  
Assistant State Attorney, for Appellee.

Before MURPHY, CALDERON, and STROWBRIDGE, J.J.

Appellant, Luis Johan Carlos Peynado-Fatiol, appeals his judgment and sentence for the misdemeanor crime of Resisting an Officer without Violence, pursuant to Florida Statute section 843.02 (2014). Appellate counsel filed an *Anders*<sup>1</sup> brief on June 21, 2018. On that same date, Appellate counsel filed a Motion to Withdraw. An Order Granting Motion to Withdraw and Affording Appellant an Opportunity to File a Pro Se Brief was entered on July 9, 2018, wherein Appellant was granted thirty days to file a *pro se* brief. However, to date, Appellant has not done so. The State did not file an answer brief.

Nevertheless, this Court's independent review of the record and pertinent legal authority, pursuant to *Anders v. California*, 386 U.S. 738 (1967) and *In re Anders Briefs*, 581 So. 2d 149

\_\_\_\_\_  
<sup>1</sup> *Anders v. California*, 386 U.S. 738 (1967).

(Fla. 1991), reveals no meritorious point which might support reversal of the conviction and sentence. Notwithstanding such, the Court notes that Appellant's sentence includes a special condition of probation of no early termination, which was not pursuant to a negotiated plea with the State. Though this provision does not warrant reversal, this opinion should not be construed as an endorsement of its enforceability.

The judgment and sentence below are **AFFIRMED**.

**PER CURIAM.**

**DONE AND ORDERED** in Chambers at Kissimmee, Osceola County, Florida, this \_  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**MICHAEL MURPHY**  
**Presiding Circuit Judge**

CALDERON and STROWBRIDGE, J.J., concur.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Order was furnished on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, to the following: **Luis Johan Carlos Peynado-Fatiol**, 4880 W. Irlo Bronson Memorial Highway, Room# 247, Kissimmee, Florida 34746; **John S. Zaleskie, Esq., Assistant Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel, Fifth District**, 101 Sunnyside Road, Suite 310, Casselberry, Florida 32707, or at [jzaleskie@rc5state.com](mailto:jzaleskie@rc5state.com); and **Carol Levin Reiss, Esq., Assistant State Attorney and Attorney for Appellee, Office of the State Attorney**, 2 Courthouse Square, Suite 3500, Kissimmee, Florida 34741, [PCF@sao9.org](mailto:PCF@sao9.org).

\_\_\_\_\_  
Judicial Assistant