

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D23-2484
Lower Tribunal No. 22-MM-604

EUGENE KOLEK,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the County Court for Highlands County.
Anthony L. Ritenour, Judge.

March 22, 2024

STARGEL, J.

Appellant, Eugene Kolek, appeals the judgment and sentence adjudicating him guilty of two counts of battery and sentencing him to one year in jail on each count to run consecutively. Because Appellant does not raise, nor do we find, any issue with his judgment and sentence, we affirm.

Appellant also contests the trial court's post-judgment restitution order, entered after he appealed. We lack jurisdiction to consider Appellant's argument, given his failure to appeal this order. *See* Fla. R. App. P. 9.110(b) ("Jurisdiction of

the court under this rule must be invoked by filing a notice with the clerk of the lower tribunal within 30 days of rendition of the order to be reviewed”); *see also* *Heming v. State*, 48 Fla. L. Weekly D162 (Fla. 1st DCA Jan. 18, 2023); *Okashah v. State*, 240 So. 3d 904, 905 (Fla. 1st DCA 2018); *Studnicka v. State*, 679 So. 2d 819, 822 (Fla. 3d DCA 1996). Accordingly, we dismiss this portion of the appeal.

AFFIRMED IN PART; DISMISSED IN PART.

TRAVER, C.J., and BROWNLEE, J., concur.

Howard L. “Rex” Dimmig, II, Public Defender, and Tosha Cohen, Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Jonathan S. Tannen, Assistant Attorney General, Tampa, for Appellee.

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