

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

DAVID PATRICK MARTIN,

Appellant,

v.

Case No. 5D21-1976

STATE OF FLORIDA,

Appellee.

Opinion filed September 21, 2021

3.800 Appeal from the Circuit Court
for Brevard County,
David C. Koenig, Acting Circuit Judge.

Mark H. Klein, of MHK Legal, PLLC,
Coral Springs, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See *Rochester v. State*, 140 So. 3d 973, 973 (Fla. 2014)
(holding that section 775.082(3)(a)4., Florida Statutes, imposes a mandatory
minimum sentence of twenty-five years' imprisonment for adults convicted of
lewd or lascivious molestation of a child under the age of twelve); *Kelley v.*

State, 309 So. 3d 306, 310–11 (Fla. 2d DCA 2020) (affirming defendant’s twenty-five-year mandatory minimum prison sentence and recognizing that while the defendant, as a result of a plea agreement and with the consent of the State, initially received a sentence that included probation and without the mandatory minimum term of incarceration, once probation was unsuccessfully terminated, the trial court was required to sentence the defendant to the mandatory minimum sentence that could have been originally imposed).

LAMBERT, C.J., SASSO and TRAVER, JJ., concur.