

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

BENJAMIN WOODSON-KENON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1718

[August 22, 2007]

PER CURIAM.

Affirmed. See § 985.233(4)(a)2., Fla. Stat. (2001) (youthful offender sentence is discretionary); § 985.233(4)(a)4., Fla. Stat. (2001) (imposing adult sanctions instead of youthful offender sanction “is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions”); see also *Lee v. State*, 679 So. 2d 1158, 1160 (Fla. 1996) (“[B]ecause the judge possessed the discretion to refuse to classify [defendant] as a youthful offender even if he *had* considered section 958.04, his failure to consider the statute does not make the sentence ‘illegal’ under our interpretation of that term Thus, a rule 3.800(a) motion is not proper here.”).

STONE, STEVENSON and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Stanton S. Kaplan, Judge; L.T. Case No. 02-8963 CF10A.

Clayton R. Kaeiser, Miami, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.