

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

ALEXIS J. FIGUEROA,

Appellant,

v.

Case No. 5D16-274

STATE OF FLORIDA,

Appellee.

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Opinion filed March 18, 2016

3.800 Appeal from the Circuit Court  
for Orange County,  
Wayne C. Wooten, Judge.

Alexis J. Figueroa, Milton, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

ON CONCESSION OF ERROR

PER CURIAM.

Appellant, Alexis J. Figueroa, appeals the postconviction court's order denying his Florida Rule of Criminal Procedure 3.800(a) motion to correct illegal sentence. He argues that his fifty-year prison sentence for robbery with a weapon in violation of section 812.13(2)(b), Florida Statutes (2006), is illegal because robbery with a weapon

is a first-degree felony, punishable by a maximum term of imprisonment of thirty years. See § 775.082(3)(b), Fla. Stat. (2006); see also *Santiago v. State*, 147 So. 3d 1057, 1058 (Fla. 3d DCA 2014) (“Robbery with a non-deadly weapon is a first-degree felony and, generally, the maximum sentence permitted by [sections 775.082(3)(b) and 812.13(2)(b)] for this crime is thirty years.”). The State has commendably conceded error.

Accordingly, we reverse the postconviction court’s order denying Appellant’s motion to correct illegal sentence and remand for resentencing.<sup>1</sup>

REVERSED and REMANDED.

PALMER, EVANDER, and LAMBERT, JJ., concur.

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<sup>1</sup> Appellant is also serving sentences on other convictions imposed in the underlying case. These sentences are not affected.