

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

JAVIER MADERA,

Appellant,

v.

Case No. 5D16-4352

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 22, 2017

Appeal from the Circuit Court
for St. Johns County,
J. Michael Traynor, Judge.

James S. Purdy, Public Defender, and
Allison A. Havens, Assistant Public
Defender, Daytona Beach, for Appellant.

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

PER CURIAM.

We affirm Appellant's convictions and sentences but do so without prejudice to Appellant filing a motion pursuant to Florida Rule of Criminal Procedure 3.800(a) or 3.850 on his claim that the imposition of drug offender probation in this case is illegal. Appellant failed to preserve this claim for review on direct appeal by either contemporaneously

objecting to the alleged sentencing error or by filing a motion pursuant to rule 3.800(b)(2).

See *Jackson v. State*, 983 So. 2d 562, 569 (Fla. 2008).

AFFIRMED.

COHEN, C.J., LAMBERT and EDWARDS, JJ., concur.