

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

JULIO REYNOSOPENA,

Appellant,

v.

Case No. 5D18-3856

STATE OF FLORIDA,

Appellee.

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Opinion filed November 15, 2019

Appeal from the Circuit Court  
for Orange County,  
John Marshall Kest, Judge.

James S. Purdy, Public Defender, and  
Matthew Funderburk, Assistant Public  
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Marjorie Vincent-Tripp,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Appellant, Julio Reynosopena, asserts that the trial court erred in not sentencing him as a youthful offender. Appellant pled no contest to charges of possession of a firearm by a person found to have committed a delinquent act and possession of twenty grams or less of cannabis. The trial court announced at the sentencing hearing that it

had carefully reviewed the presentence investigation report (“PSI”) and gone further to look at each case mentioned in the PSI. The trial court determined that Appellant had been in the juvenile system and arrested repeatedly, with all indications being that the nature and severity of the crimes he committed were escalating from crimes against property, to burglary of dwellings, aggravated assault, and armed robbery. Further, the court noted that Appellant had repeatedly violated the terms of his juvenile punishment, including five violations of probation. The trial court heard from Appellant’s witnesses and listened as Appellant read his letter of remorse and request for mercy, which said, among other things, that his prior juvenile punishments had no real consequences and were nothing more than “slaps on the wrists,” which had not deterred his criminal activity. Taking all of this into consideration, the trial court announced that sentencing Appellant as a youthful offender was inappropriate. Instead, Appellant was sentenced as an adult to 48.3 months in prison, with credit for 57 days’ time served, followed by one year community control, followed by two years’ probation, and payment of costs.

It is obvious from the record that the trial court understood its options under the Florida Youthful Offender Act, Chapter 958, Florida Statutes (2017). See *McKinney v. State*, 27 So. 3d 160, 162 (Fla. 1st DCA 2010) (“[W]e are satisfied that the court's decision not to sentence [a]ppellant as a youthful offender was properly based upon a consideration of [a]ppellant's circumstances and the serious nature of his crimes, rather than the court's opinion of the youthful offender program.”); *Ellis v. State*, 475 So. 2d 1021, 1023 (Fla. 2d DCA 1985) (“We note that application of the Youthful Offender Act to any particular defendant is discretionary with the trial judge who is in the best position to determine whether sentencing under the act is the most desirable treatment for that

defendant.”). The sentence imposed was lawful, the written sentence conforms to the oral pronouncement, and the trial court properly and thoughtfully arrived at its decision to not impose youthful offender sentencing. Finding no error, we affirm the trial court.

AFFIRMED.

ORFINGER, EDWARDS and HARRIS, JJ., concur.