

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

ISRAEL ADORNO-OCASIO,

Appellant,

v.

Case No. 5D20-1016

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 11, 2020

3.800 Appeal from the Circuit
Court for Orange County,
Julie H. O'Kane, Judge.

Israel Adorno-Ocasio, Perry, pro se.

No Appearance for Appellee.

PER CURIAM.

In this appeal, Israel Adorno-Ocasio is seeking review of the circuit court's denial of his pro se "Motion to Vacate an Unlawful Sentence." We agree with the trial court that Appellant's motion was filed outside the two-year time limit permitted for a Florida Rule of Criminal Procedure 3.850 motion. Thus, it was appropriate to analyze the motion according to rule 3.800(a). Furthermore, we agree that consideration of his sentence under the so-called "could-have-been-imposed" test confirms that Appellant's sentence was not illegal. See *Brooks v. State*, 969 So. 2d 238, 243 (Fla. 2007). The jury found

Appellant guilty of Count III, attempted first-degree murder with a firearm, a life felony, and made a special finding that Appellant actually possessed and discharged a firearm which resulted in death or great bodily harm to the named victim, justifying imposition of a twenty-five year mandatory minimum sentence pursuant to section 775.087(2)(a)3., Florida Statutes (2011). Therefore, Appellant's sentence of life with a twenty-five-year mandatory minimum sentence as to Count III could have been imposed even in the absence of the scoresheet error as to Counts I and II. Therefore, we affirm the circuit court's order in its entirety.

AFFIRMED.

EDWARDS, GROSSHANS and HARRIS, JJ., concur.