

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

JENISE M. ORTIZ,

Appellant,

v.

Case No. 5D20-1270

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 27, 2020

3.850 Appeal from the Circuit
Court for Orange County,
Keith F. White, Judge.

James S. Purdy, Public Defender, and
Teresa D. Sutton, Assistant Public
Defender, Daytona Beach, for Appellant.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. *See Pedroza v. State*, 291 So. 3d 541, 546–48 (Fla. 2020). *See also Pleas v. State*, 41 So. 3d 980, 981 (Fla. 1st DCA 2010) (“Florida Rule of Criminal Procedure 3.800(a) cannot be used as a vehicle for challenging the constitutionality of a sentencing statute.”); *Thomas v. State*, 778 So. 2d 429, 430 (Fla. 5th DCA 2001) (holding that whether a sentencing statute is constitutional cannot be raised for the first time in a Rule 3.800(a) motion).

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