

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

CHRISTOPHER M. BRYANT,

Appellant,

v.

Case No. 5D19-3396

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 22, 2021

Appeal from the Circuit Court
for Brevard County,
Tesha Ballou, Judge.

Matthew J. Metz, Public Defender, and
Susan Fagan, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Christopher Bryant appeals the trial court's partial denial of his motion to correct sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).

Bryant argues that the trial court erred in denying, in part, his motion to correct sentence because it revoked his sex offender probation and imposed a nine-year sentence on the basis that he qualified as a violent felony offender of special concern

under section 948.06(8), Florida Statutes (2019). He contends that because he had not been previously convicted of a qualifying offense, he could not have been considered a violent felony offender of special concern for purposes of sentencing.

While we agree that Bryant does not qualify as a violent felony offender of special concern, we nonetheless affirm because the record refutes his claim that the trial court made such a designation.

We decline to address whether Bryant was entitled to be sentenced under section 948.06(9), as that issue was not briefed.

AFFIRMED.

ORFINGER and COHEN, JJ., concur.

EISNAUGLE, J., concurs, and concurs specially with opinion.

I agree that Bryant's judgment and sentence must be affirmed. However, I would not reach the merits of Bryant's argument that he does not qualify as a violent felony offender of special concern ("VFOSC") because, as the majority notes, the trial court did not designate Bryant as a VFOSC.