

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

KEN WILCOX,

Appellant,

v.

Case No. 5D20-425

STATE OF FLORIDA,

Appellee.

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Decision filed February 5, 2021

Appeal from the Circuit Court
for St. Johns County,
Howard M. Maltz, Judge.

Matthew J. Metz, Public Defender, and
Edward J. Weiss, Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

COHEN and EISNAUGLE, JJ., concur.
LAMBERT, J., concurring with opinion.

Appellant was convicted at trial of robbery and battery on a person sixty-five years of age or older. I concur in the affirmance of Appellant's judgment and sentences and would note that any claim of error by Appellant in the sentencing documents has not been preserved for appellate review. See *Carter v. State*, 791 So. 2d 525, 526–27 (Fla. 1st DCA 2001) (“A sentencing issue that has not been raised in the trial court either by an objection at the sentencing hearing or in a subsequent [Florida Rule of Criminal Procedure] 3.800(b) motion will not be addressed on direct appeal. The procedure established by rule 3.800(b) enables the parties to object to sentencing errors that were not apparent at the time of the sentencing hearing.” (internal citation omitted) (citing *Amendments to Fla. Rules of Criminal Procedure 3.111(e) & 3.800 & Fla. Rules of Appellate Procedure, 9.020(h), 9.140, & 9.600*, 761 So. 2d 1015, 1016 (Fla. 1999))).