

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2007

JAY ALLEN NEWCOMB,

Appellant,

v.

Case No. 5D07-2881

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 5, 2007.

3.800 Appeal from the Circuit
Court for Volusia County,
Joseph G. Will, Judge.

Jay A. Newcomb, Wewahitchka, pro se.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See Richardson v. State, 705 So. 2d 608 (Fla. 5th DCA
1997) (upholding 40-year sentence for second-degree murder on the basis that the
offense is a first-degree felony punishable by life).

THOMPSON, PLEUS and EVANDER, JJ., concur.