

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

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

ALEJANDRO D. BENABE-RIVERA,

Appellant,

v.

Case No. 5D12-500

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed October 4, 2013

Appeal from the Circuit Court  
for Orange County,  
Mike Murphy, Judge.

James S. Purdy, Public Defender, and  
Susan A. Fagan, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Lori N. Hagan, Assistant  
Attorney General, Daytona Beach, for  
Appellee.

PER CURIAM.

Affirmed. See Brannon v. State, 850 So. 2d 452, 456 (Fla. 2003) (holding that "[f]or defendants whose initial briefs were filed after the effective date of rule 3.800(b)(2), the failure to preserve a fundamental sentencing error by motion under rule 3.800(b) or by objection during the sentencing hearing forecloses them from raising the error on direct appeal").

PALMER, ORFINGER and BERGER, JJ., concur.