

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

JAMES CHAPMAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D14-1522

Opinion filed September 23, 2014.

An appeal from the Circuit Court for Leon County.

Jackie L. Fulford, Judge.

Nancy A. Daniels, Public Defender, and Steven L. Seliger, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Kristen Bonjour, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant challenges the imposition of a suspended sentence of five years'
incarceration for his conviction of driving without a license (habitual offender).

Appellant asserts that his suspended sentence is not a "nonstate prison sanction"
and is, therefore, an upward departure in violation of section 775.082(10), Florida

Statutes (2013). Because this argument was not raised during either the sentencing hearing or via a Florida Rule of Criminal Procedure 3.800(b)(2) motion, it is unpreserved and this court cannot reach the question. Appellant's judgment and sentence are AFFIRMED.

WOLF, ROWE, and OSTERHAUS, JJ., CONCUR.