

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-4585

PERCY WILSON, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Linda F. McCallum, Judge.

July 27, 2020

PER CURIAM.

AFFIRMED. *Cf. Rummel v. Estelle*, 445 U.S. 263, 285 (1980) (holding that mandatory life sentence imposed under recidivism statute for obtaining \$120.75 under false pretenses “does not constitute cruel and unusual punishment under the Eighth and Fourteenth Amendments”); *Ewing v. California*, 538 U.S. 11 (2003) (plurality opinion) (affirming judgment that sentence of 25 years to life in prison for felony grand theft under state’s three-strikes law did not violate the Eighth Amendment’s prohibition against cruel and unusual punishments); *see Pleas v. State*, 41 So. 3d 980, 981 (Fla. 1st DCA 2010) (“Florida Rule of Criminal Procedure 3.800(a) cannot be used as a vehicle for challenging the constitutionality of a sentencing statute.”).

ROWE, MAKAR, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

William Mallory Kent of Kent & McFarland, Jacksonville, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham, Assistant Attorney General, Tallahassee, for Appellee.