

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-655

PAUL BRANCH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
James C. Hankinson, Judge.

December 14, 2020

PER CURIAM.

Appellant, Paul Branch, appeals the denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. The motion alleged three grounds for relief, two claiming ineffective assistance of counsel and the third claiming the revocation of his probation was improper because his original sentence violated the statutory maximum. We write only to address Appellant's claim that the trial court erred by failing to address ground three of his motion.

The postconviction court denied Appellant's motion for postconviction relief after holding an evidentiary hearing on the issues. Although the court did not explain its denial of ground

three as it did for the first two ineffective assistance claims, the court's denial of the entire motion operated to deny ground three.

In his motion, Appellant relied on *Jackson v. State*, 654 So. 2d 234 (Fla. 4th DCA 1995), to assert that the revocation of his probation was improper and asked the court to vacate the sentence imposed for the violation. Appellant's claim is without legal merit because his probation was properly revoked within the legal term of his sentence. *See Taylor v. State*, 702 So. 2d 487, 488 (Fla. 1997) (approving the Fourth District's en banc opinion in *Collins v. State*, 697 So. 2d 1305 (Fla. 4th DCA 1997), receding from *Jackson*). The postconviction court's denial of ground three is affirmed.

AFFIRMED.

LEWIS, NORDBY, and LONG, JJ., concur.

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

Paul Branch, pro se, Appellant.

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