

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**CESAR MENDEZ,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D22-1169

[September 30, 2022]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 312013CF000499A.

Cesar Mendez, Bristol, pro se.

No appearance required for appellee.

PER CURIAM.

*Affirmed.* See *State v. Wells*, 466 So. 2d 291, 292 (Fla. 2d DCA 1985) (explaining that sexual battery of a child is not punishable by death, noting that “inasmuch as the crime of sexual battery of a child is no longer a capital crime in the sense that conviction thereof is punishable by death, a person may be charged with commission of that crime by information”); see also *Heuring v. State*, 513 So. 2d 122, 123 (Fla. 1987) (“Sexual battery ... may be charged by information.”).

KLINGENSMITH, C.J., CIKLIN and FORST, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion for rehearing.***