

Third District Court of Appeal

State of Florida

Opinion filed September 20, 2017.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-1703
Lower Tribunal No. 07-27724

Okeshi McKinney,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Cristina Miranda, Judge.

Okeshi McKinney, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before LAGOA, EMAS and SCALES, JJ.

PER CURIAM.

Affirmed. See Minor v. State, 707 So. 2d 1184, 1184 (Fla. 3d DCA 1998)
(finding that the defendant's conviction for the lesser included offense of

manslaughter with a firearm was subject to reclassification as a first-degree felony under section 775.087(1) of the Florida Statutes where a firearm was used “[b]ecause the use of a weapon or firearm is not an element of the offense of manslaughter”); see also Roberts v. State, 923 So. 2d 578, 581 (Fla. 5th DCA 2006) (“[I]t is clear that there is no double jeopardy prohibition against applying a habitual offender enhancement to a felony already reclassified under section 775.087(1).”).