

Third District Court of Appeal

State of Florida

Opinion filed January 16, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1917
Lower Tribunal No. 01-35590

Anthony Fowler,
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, Lisa S. Walsh, Judge.

Anthony Fowler, in proper person.

Ashley Brooke Moody, Attorney General, for appellee.

Before EMAS, C.J., and SALTER and FERNANDEZ, JJ.

PER CURIAM.

Affirmed. See Campbell v. State, 29 So. 3d 1147 (Fla. 1st DCA 2010) (holding that burglary of a dwelling with an assault or battery, a first-degree felony punishable by life imprisonment, is a qualifying offense under the prison releasee reoffender statute). See also §§ 775.082(9)(a)1.g. & q., Fla. Stat. (2001) (providing that “robbery” and “[b]urglary of a dwelling or burglary of an occupied structure” are qualifying offenses under the prison releasee reoffender provisions of section 775.082); § 775.087(1)(b)) (providing that if, during the commission of a felony, a defendant commits an aggravated battery, the felony shall be reclassified from a second-degree felony to a first-degree felony); § 775.082(9)(a)3.a.-b., Fla. Stat. (2001) (providing that if the State establishes “that a defendant is a prison releasee reoffender . . . such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows: a. For a felony punishable by life, by a term of imprisonment for life; b. For a felony of the first degree, by a term of imprisonment of 30 years”).