

Third District Court of Appeal

State of Florida

Opinion filed June 26, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-880
Lower Tribunal No. 14-26905

John J. Wilson, Jr.,
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, Richard Hersch, Judge.

John J. Wilson, Jr., in proper person.

Ashley Moody, Attorney General, for appellee.

Before LINDSEY, HENDON, and GORDO, JJ.

HENDON, J.

The defendant, John J. Wilson, Jr., appeals from the denial of his motion to

correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). We affirm.

In his 3.800(a) motion, the defendant asserts that he was “wrongly convicted of a false charge of grand theft (greater than \$300).” The defendant’s 3.800(a) motion fails to recognize that he pled guilty to the charge of third degree grand theft, a third degree felony, and he was then adjudicated guilty and sentenced to a term of twenty-nine days in jail (time served). Following his plea, the defendant moved to withdraw his plea. The lower tribunal denied his motion, and he did not appeal the denial of his motion to withdraw plea. As the sentence imposed—twenty-nine days in jail for a felony of the third degree—is not illegal, we affirm the denial of the defendant’s 3.800(a) motion to correct illegal sentence. See § 775.082(3)(e), Fla. Stat. (2014) (providing that a felony of the third degree is punishable by a term of imprisonment not exceeding five years).

Affirmed.