

# Third District Court of Appeal

State of Florida

Opinion filed July 27, 2022.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D22-0925  
Lower Tribunal No. F01-34236

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**Daniel DeLeon,**  
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, Joseph Perkins, Judge.

Daniel DeLeon, in proper person.

Ashley Moody, Attorney General, and Sandra Lipman, Assistant Attorney General, for appellee.

Before SCALES, MILLER, and GORDO, JJ.

PER CURIAM.

Affirmed. See DeLeon v. State, 3D21-2342, 2022 WL 946199 (Fla. 3d DCA Mar. 30, 2022) (affirming trial court’s denial of appellant’s motion for rehearing on sentencing issue); DeLeon v. State, 3D21-0905, 2021 WL 2425437 (Fla. 3d DCA May 6, 2021) (denying appellant’s petition for writ of mandamus on same); Swain v. State, 911 So. 2d 140, 143–44 (Fla. 3d DCA 2005) (“While successive 3.800(a) motions are permitted even though the claims are those which could have been raised in previously filed 3.800(a) motions, . . . the law of the case doctrine prevents a litigant from relitigating the same issues previously considered and rejected on the merits and reviewed on appeal.”); see also § 775.082(3)(b), Fla. Stat. (2005) (emphasis added) (authorizing punishment for first degree felony “by a term of imprisonment not exceeding 30 years *or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment*”); § 782.04(2), Fla. Stat. (2005) (emphasis added) (stating second degree murder “constitutes a *felony of the first degree*, punishable by imprisonment for a *term of years not exceeding life*”); Bryant v. State, 1 So. 3d 267, 268 (Fla. 3d DCA 2009) (finding second degree murder is a first degree felony punishable by a term of years not exceeding life).