

Third District Court of Appeal

State of Florida

Opinion filed November 23, 2022.

Not final until disposition of timely filed motion for rehearing.

No. 3D22-1514

Lower Tribunal Nos. F20-6820, F20-6263, F20-14272, F20-14273

Arnold Caso,
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.

Arnold Caso, in proper person.

Ashley Moody, Attorney General, for appellee.

Before EMAS, LINDSEY and GORDO, JJ.

PER CURIAM.

Because the trial court's exercise of discretion in ruling on the merits of a motion to reduce or mitigate sentence pursuant to Florida Rule of Criminal Procedure 3.800(c) is not subject to appellate review, we dismiss this appeal. See Smith v. State, 902 So. 2d 293 (Fla. 3d DCA 2005); Graham v. State, 845 So. 2d 1016 (Fla. 3d DCA 2003). See also Diaz v. State, 931 So. 2d 1002, 1004 (Fla. 3d DCA 2006) (observing that “an order denying a motion to reduce or mitigate a sentence is not appealable” but may be treated as a petition for writ of certiorari where the trial court denied the motion as untimely without reaching the merits).

Appeal dismissed.