

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2001

LUIS SANCHEZ,

**

Appellant,

**

vs.

** CASE NO. 3D01-2255

THE STATE OF FLORIDA,

** LOWER

Appellee.

** TRIBUNAL NOS. 94-39773 &
94-39774

Opinion filed September 26, 2001.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit
Court for Dade County, Maria E. Dennis, Judge.

Luis Sanchez, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before COPE, GODERICH, and SHEVIN, JJ.

PER CURIAM.

Affirmed.

GODERICH and SHEVIN, JJ., concur.

COPE, J. (concurring).

While the trial court was in error in saying that the appellant's claim was not cognizable by a motion under Florida Rule of Criminal Procedure 3.800(a), see Carter v. State, 786 So. 2d 1173 (Fla. 2001), relief was properly denied because the offense of armed robbery is a first degree felony punishable by life imprisonment. See § 812.13(2)(a), Fla. Stat. (1993). Accordingly, habitualization was permissible. See Lamont v. State, 610 So. 2d 435 (Fla. 1992).*

* At the time of appellant's crimes, habitualization was not permissible for a life felony, but appellant is incorrect in saying that his offenses were life felonies.