

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Errol Latson v. State of Florida

No. 3D25-1132 (Fla. 3d DCA Sept. 24, 2025) · No. No. 3D25-1132 · Decided September 24, 2025

OPINION

Errol Latson v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 24, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1132 Lower Tribunal No. F10-6101A _____ Errol Latson, 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, Ellen Sue Venzer, Judge. Errol Latson, in proper person. James Uthmeier, Attorney General, and Jason Michael Ross, Assistant Attorney General, for appellee. Before EMAS, MILLER, and BOKOR JJ. MILLER, J. Appellant, Errol Latson, challenges an order denying his motion to correct an illegal sentence filed under Florida Rule of Criminal Procedure 3.800(a). His motion asserted that the trial court imposed a vindictive sentence after he failed to accept the plea offer extended to him by the prosecutor shortly before trial. Casting aside the nondiscretionary nature of his life sentence for first-degree murder, we reiterate the proposition that “a claim of vindictive sentencing cannot be raised by a motion to correct illegal sentence under [r]ule 3.800(a).” *Morales v. State*, 909 So. 2d 478, 478-79 (Fla. 3d DCA 2005) (citing collected cases); see also § 775.082(1)(a), Fla. Stat. (2018). Treating Latson’s motion as having been filed under Florida Rule of Criminal Procedure 3.850 yields no different result, as we affirmed his convictions and sentences on direct appeal in 2019. See *Latson v. State*, 276 So. 3d 400 (Fla. 3d DCA 2019). Accordingly, we affirm the order under review. Affirmed. 2