

FLORIDA THIRD DISTRICT COURT OF APPEAL

Arnaldo Lugo-Fernandez v. State of Florida

No. 3D25-0702; Lower Tribunal No. F04-29546 · No. No. 3D25-0702 · Decided February 4, 2026

SUMMARY

The Florida Third District Court of Appeal dismissed Arnaldo Lugo-Fernandez’s appeal as untimely. The court held that the notice of appeal was filed more than thirty days after rendition of the order striking and dismissing his motion to correct sentencing error, citing Florida Rule of Appellate Procedure 9.140(b)(3).

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Lindsey, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	February 4, 2026
DOCKET	No. 3D25-0702
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order striking and dismissing the defendant's motion to correct sentencing error.
PRECEDENTIAL VALUE	Published
PARTIES	Arnaldo Lugo-Fernandez v. State of Florida

TOPICS

- appellate procedure
- final judgment rule
- criminal procedure
- sentencing

PRACTICE AREAS

- criminal appellate procedure
- sentencing

QUESTIONS PRESENTED

- Whether the appeal should be dismissed because the notice of appeal was filed more than 30 days after rendition of the order imposing sentence or related sentencing order.

HOLDINGS

1. An appeal must be dismissed when the notice of appeal is filed more than 30 days after rendition of the applicable written sentencing order; because the notice was filed more than 63 days after the February 7, 2025 deadline, the appeal was untimely.

KEY QUOTATIONS

“The defendant must file the notice prescribed by rule 9.110(d) with the clerk of the lower tribunal at any time between rendition of a final judgment and 30 days following rendition of a written order imposing sentence.”
(2)

FACTUAL BACKGROUND

The Circuit Court for Miami-Dade County entered an Order Striking and Dismissing Defendant's Motion to Correct Sentencing Error on January 7, 2025, and furnished the order to Appellant on January 8, 2025. The notice of appeal was filed more than 63 days after the applicable filing deadline.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County rendered the order being appealed on January 7, 2025, and furnished it to Lugo-Fernandez on January 8, 2025. Lugo-Fernandez filed his notice of appeal more than 63 days after the February 7, 2025 deadline. The Third District Court of Appeal dismissed the appeal as untimely.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed February 4, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0702 Lower Tribunal No. F04-29546 _____ Arnaldo Lugo-Fernandez, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Ramiro Areces, Judge.

Arnaldo Lugo-Fernandez, in proper person. James Uthmeier, Attorney General, and Yolande M. Samerson, Assistant Attorney General, for appellee. Before FERNANDEZ, LINDSEY, and BOKOR, JJ. PER CURIAM. We dismiss the instant appeal because the notice of appeal was filed more than thirty (30) days following rendition of the court's Order Striking and Dismissing Defendant's Motion to Correct Sentencing Error.

See Fla. R. App. P. 9.140(b)(3) (“The defendant must file the notice prescribed by rule 9.110(d) with the clerk of the lower tribunal at any time between rendition of a final judgment and 30 days following rendition of a written order imposing sentence.”).

Here the Notice of Appeal was filed more than 63 days after it was due. The Order being appealed was rendered on January 7, 2025, and furnished to Appellant on January 8, 2025. Thus, the deadline for filing the Notice of Appeal was on February 7, 2025.

As such, we are compelled to dismiss this appeal as untimely. Dismissed. 2