

FLORIDA THIRD DISTRICT COURT OF APPEAL

Luis Alberto Perez v. State of Florida

Perez · No. 3D24-2213, 3D24-2214, 3D24-2215, 3D24-2216, 3D24-2217 · Decided March 26, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial as moot of Luis Alberto Perez’s motion to correct an illegal sentence. The court held that Perez failed to demonstrate prejudicial error because the requested relief would not have changed his sentence. The court relied on Florida statutory law and decisions concerning moot sentencing challenges and the requirement of demonstrable prejudice.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez; Lobree; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 26, 2025
DOCKET	3D24-2213, 3D24-2214, 3D24-2215, 3D24-2216, 3D24-2217
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated appeals under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County's denial of Perez's motion to correct an illegal sentence as moot.
STANDARD OF REVIEW	An appellate court may reverse a judgment or sentence only upon a determination, after review of the complete record, that prejudicial error occurred and was preserved or constituted fundamental error if unpreserved.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Luis Alberto Perez v. State of Florida

TOPICS

- appellate procedure
- sentencing
- mootness
- post-conviction relief
- remedies

PRACTICE AREAS

- criminal appellate procedure
- sentencing
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the circuit court erred in denying Perez's motion to correct an illegal sentence as moot.
2. Whether Perez demonstrated prejudicial error that could warrant appellate reversal.

HOLDINGS

1. The denial did not warrant reversal because Perez failed to demonstrate that any prejudicial error occurred.

KEY QUOTATIONS

“A judgment or sentence may be reversed on appeal only when an appellate court determines after a review of the complete record that prejudicial error occurred and was properly preserved in the trial court or, if not properly preserved, would constitute fundamental error.” (1)

“The Appellant has failed to demonstrate that any prejudicial error occurred by the trial court’s denial of his motion to correct illegal sentence as moot.” (1)

FACTUAL BACKGROUND

Perez sought correction of an allegedly illegal sentence under Florida Rule of Criminal Procedure 3.800(a). The circuit court denied the motion as moot. The appellate court concluded that Perez had not shown any prejudicial error resulting from that denial.

PROCEDURAL HISTORY

Perez appealed the circuit court's denial of his motion to correct an illegal sentence. The Third District Court of Appeal held that he failed to demonstrate prejudicial error and affirmed.

DISPOSITION

affirmed

CASES CITED

- Earl v. State, 314 So. 3d 1253, 1255-56 (Fla. 2021)
- Mitchell v. State, 309 So. 3d 667, 668 (Fla. 4th DCA 2020)

OPINION

Luis Alberto Perez v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed March 26, 2025. Not final until disposition of timely filed motion for rehearing. _____ Nos. 3D24-2213, 3D24-2214, 3D24-2215, 3D24-2216, 3D24-2217 Lower Tribunal Nos. F96-23813B, F96-23816B, F96-23818B, F96-23820A, F97-26254 _____ Luis Alberto Perez, Appellant, vs. State of

Florida, Appellee. Appeals under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Laura Shearon Cruz, Judge. Chase Law Florida, P.A., and Brett S. Chase (St. Petersburg), for appellant. James Uthmeier, Attorney General, and Daniel Colmenares, Assistant Attorney General, for appellee. Before FERNANDEZ, LOBREE and GOODEN, JJ. PER CURIAM. The Appellant has failed to demonstrate that any prejudicial error occurred by the trial court's denial of his motion to correct illegal sentence as moot. See § 924.051(3), Fla. Stat. (2024) ("A judgment or sentence may be reversed on appeal only when an appellate court determines after a review of the complete record that prejudicial error occurred and was properly preserved in the trial court or, if not properly preserved, would constitute fundamental error."); *Earl v. State*, 314 So. 3d 1253, 1255–56 (Fla. 2021) ("[H]ad [the defendant] been granted the relief he requested, his sentence would not have been changed by a single day. Therefore, [the defendant] cannot show that the denial of his rule 3.800(a) motion resulted in harm that may be remedied on appeal."); *Mitchell v. State*, 309 So. 3d 667, 668 (Fla. 4th DCA 2020) (affirming lower court's dismissal of defendant's motion to correct illegal sentence as moot where the lower court found "the applicable mandatory minimum would have no effect on gain time because the defendant [was] serving a life sentence without the possibility of parole"). As a result, we affirm. Affirmed. 2