

FLORIDA THIRD DISTRICT COURT OF APPEAL

Jonathan Powell v. State of Florida

No. No. 3D25-2367, Florida Third District Court of Appeal (January 28, 2026)

OPINION

Jonathan Powell v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed January 28, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2367 Lower Tribunal No. F08-20997 _____ Jonathan Powell, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Richard Hersch, Judge. Jonathan Powell, in proper person. James Uthmeier, Attorney General, and Kayla Heather McNab, Assistant Attorney General, for appellee. Before SCALES, C.J., and EMAS and FERNANDEZ, JJ. PER CURIAM. Affirmed. See *Martinez v. State*, 211 So. 3d 989, 990-92 (Fla. 2017) (defendant challenged the procedure that led to the imposition of his mandatory minimum sentence, arguing he was deprived of due process by an alleged technical defect in the charging document; the Court affirmed the trial court's order denying relief, holding that such a challenge to the procedure employed to impose the punishment does not constitute an "illegal sentence" subject to correction under Florida Rule of Criminal Procedure 3.800(a)); *Louis v. State*, 394 So. 3d 104 (Fla. 3d DCA 2024); *Cabrera v. State*, 352 So. 3d 512, 514 (Fla. 2d DCA 2022) ("[A] claim that the charging document did not allege the facts necessary to support [the] enhanced sentence is precisely the type of technical deficiency in the sentencing procedure that the supreme court held is not cognizable in a rule 3.800(a) motion."); *Robinson v. State*, 215 So. 3d 1262 (1st DCA 2017). 2