

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR ORANGE
COUNTY, FLORIDA

CASE NO.: 2019-AP-13-A-O
LOWER CASE NO.: 2018-MM-6184-A-O

JARQUEZ JABAR HIGHTOWER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

_____ /

FINAL ORDER DISMISSING APPEAL

THIS MATTER came before the Court *sua sponte*. Appellant seeks review of the trial court's order denying his motion for modification of sentence pursuant to Florida Rule of Criminal Procedure 3.800(c). Under Florida law, the trial court's "exercise of discretion in ruling on a motion for mitigation pursuant to Florida Rule of Criminal Procedure 3.800(c) is not subject to review on appeal." *See, e.g., Adams v. State*, 800 So. 2d 741 (Fla. 5th DCA 2001). Accordingly, the Court determines that it lacks jurisdiction to consider this appeal.

It is **ORDERED** and **ADJUDGED** that this appeal is **DISMISSED**. The Clerk of the Court is directed to close this case forthwith.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on this _____ day of _____, 2019.

RENEE A. ROCHE
Presiding Circuit Judge

BEAMER and STROWBRIDGE, J.J., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was furnished on this _____ day of _____, 2019 to Jarquez Jabar Hightower, DC # X94025, Charlotte Correctional Institution, 33123 Oil Well Road, Punta Gorda, FL 33955-9701; Office of the State Attorney, Appeals Unit, 415 N. Orange Avenue, Suite 200, Orlando, FL 32801.

Judicial Assistant