

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

PAUL A. VIERA,

Appellant,

v.

Case No. 5D19-18

STATE OF FLORIDA,

Appellee.

Decision filed February 12, 2019

3.800 Appeal from the Circuit Court
for Seminole County,
Melissa Souto, Judge.

Paul A. Viera, Daytona Beach, pro se.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED.

ORFINGER, LAMBERT and SASSO, JJ., concur.

Received on February 15, 2019

A

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

PAUL A. VIERA,

Appellant,

v.

CASE NO. 5D19-0018

STATE OF FLORIDA,

Appellee.

_____/

DATE: March 21, 2019

BY ORDER OF THE COURT:

ORDERED that Appellant's Motion for Rehearing and Written Opinion,
filed March 4, 2019, is denied.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Joanne P. Simmons
JOANNE P. SIMMONS, CLERK



Panel: Judges Orfinger, Lambert, and Sasso

cc:

Office of Attorney General Paul A. Viera

Received on March 26, 2019

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M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL OR BY PETITION, AND
AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION OR DECISION;

YOU ARE HEREBY COMMANDED THAT FURTHER PROCEEDINGS AS MAY BE REQUIRED
BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE RULING OF THIS COURT AND WITH THE
RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE KERRY I. EVANDER, CHIEF JUDGE OF THE DISTRICT COURT
OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT, AND THE SEAL OF THE SAID COURT
AT DAYTONA BEACH, FLORIDA ON THIS DAY.

DATE: April 09, 2019

FIFTH DCA CASE NO.: 5D 19-0018

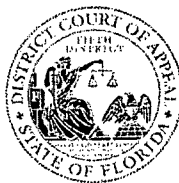
CASE STYLE: PAUL A. VIERA v. STATE OF FLORIDA

COUNTY OF ORIGIN: Seminole

TRIAL COURT CASE NO.: 2009-CF-2031-A

I hereby certify that the foregoing is
(a true copy of) the original Court mandate.

Joanne P. Simmons
JOANNE P. SIMMONS, CLERK



cc:

Office of Attorney General

Paul A. Viera

Clerk Seminole

Received April 15, 2019

B-2

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO. 09-CF-2031-A

STATE OF FLORIDA,

Plaintiff(s),

vs.

PAUL ALLEN VEIRA,

Defendant(s).

ORDER DENYING DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCE

The Defendant was convicted of burglary of a dwelling with an assault, for which he was sentenced to life in prison. He claims that this sentence is an impermissible indefinite sentence, prohibited by Art. I, §17, Florida Constitution. "Although no person can predict the maximum length of time which can be served by a prisoner under a sentence of life, this in itself does not render a life sentence impermissibly indefinite." *Alvarez v. State*, 358 So. 2d 10, 12 (Fla. 1978); *see also Deering v. State*, 988 So. 2d 1237 (Fla. 5th DCA 2008); *Johnson v. Crosby*, 897 So. 2d 546, 547 (Fla. 3d DCA 2005). Thus, the Defendant's life sentence does not violate the Florida Constitution.

ORDERED AND ADJUDGED:

1. The Defendant's Motion to Correct Illegal Sentence is **denied**.
2. The Defendant has 30 days from the date of this Order in which to file an appeal.

DONE AND ORDERED in chambers at Sanford, Seminole County, Florida this 4th day of December, 2018.


MELISSA D. SOUTO, Circuit Judge

Copies furnished this 4th day of December, 2018 to:

Office of the State Attorney


JUDICIAL ASSISTANT

Paul Allen Veira #V19217
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, FL 32124

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**Additional material
from this filing is
available in the
Clerk's Office.**