

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

THOMAS ARTHUR KAHLOW,

Appellant,

v.

Case No. 5D18-3896

STATE OF FLORIDA,

Appellee.

Decision filed February 12, 2019

3.800 Appeal from the Circuit Court for
Volusia County,
Kathryn D. Weston, Judge.

Thomas Arthur Kahlow, Daytona Beach,
pro se.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED.

BERGER, WALLIS and SASSO, JJ., concur.

Received on February 15, 2019

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

THOMAS ARTHUR
KAHLOW,

Appellant,

v.

CASE NO. 5D18-3896

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 1, 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 Berger, Wallis, and Sasso

cc:

Office of Attorney General Thomas A. Kahlow

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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO: 1987-003055 CFAES

STATE OF FLORIDA

v.

THOMAS ARTHUR KAHLOW,
Defendant.

ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE

THIS MATTER came before the Court upon Defendant's *pro se* motion to correct illegal sentence, filed pursuant to Florida Rule of Criminal Procedure 3.800(a) on November 13, 2018. The Court, having considered the motion and the court file, and being otherwise fully apprised of the premises, finds as follows:

Defendant argues that his life sentence violates article I, section 17 of the Florida Constitution, which proscribes "indefinite imprisonment." Defendant's argument is without merit. *See Pfoutz v. State*, 910 So. 2d 946 (Fla. 5th DCA 2005) (affirming trial court's denial of the defendant's *pro se* motion to correct illegal sentence that alleged life sentences without parole were improper in light of Florida's constitutional prohibition of "indefinite imprisonment"); *see also Ratliff v. State*, 914 So. 2d 938, 940 (Fla. 2005) (holding that a sentence of life imprisonment does not violate article I, section 17 of the Florida Constitution). The Court therefore concludes that Defendant is not entitled to relief.

To the extent that Defendant alleges that the Parole Commission acted improperly in calculating his presumptive parole release date, the Court denies the instant motion without prejudice to Defendant pursuing his administrative remedies and filing the appropriate petitions in the proper venue if necessary. *See Wolack v. Pate*, 135 So. 3d 359, 359-60 (Fla. 5th DCA

2013) (citing *Sullivan v. Fla. Parole Comm'n*, 920 So. 2d 106 (Fla. 2d DCA 2006)); *Williams v. State*, 8 So. 3d 1276, 1277 (Fla. 4th DCA 2009) (citing *Oishi v. Fla. Parole & Prob. Comm'n*, 418 So. 2d 329 (Fla. 1st DCA 1982)).

Accordingly, it is **ORDERED AND ADJUDGED** that the *pro se* motion to correct illegal sentence is **DENIED**.

Defendant has **thirty (30) days** from the rendition of this order to file a notice of appeal.

DONE AND ORDERED in Chambers, in Volusia County, Daytona Beach, Florida, this 19th day of November, 2018.

11/19/2018 10:59 AM 1987
KATHRYN D. WESTON

e-Signed 11/19/2018 10:59 AM 1987 003055 CFAES

KATHRYN D. WESTON
CIRCUIT COURT JUDGE

cc: Thomas Arthur Kahlow, Defendant, D.C. # 112340, Tomoka Correctional Institution, 3950 Tiger Bay Road, Daytona Beach, Florida 32124-1098
The Office of the State Attorney, Post-Conviction Division, eservicevolusia@sao7.org

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