

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-1271
Lower Tribunal No. CF22-008487-XX

ALEX OMAR TRUJILLO TORRES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the Circuit Court for Polk County.
Cassandra L. Denmark, Judge.

August 28, 2026

WOZNIAK, J.

Alex Omar Trujillo Torres appeals his judgment and sentence for one count of trafficking in cocaine and one count of possessing drug paraphernalia. We affirm Trujillo Torres's conviction without further discussion. We, however, agree with Trujillo Torres that the trial court improperly dismissed his Florida Rule of Criminal Procedure 3.800(b)(2) motion challenging the imposition of certain special conditions of probation as being invalid inasmuch as they were unrelated to the charges for which he was convicted.

The trial court determined that Trujillo Torres's rule 3.800(b)(2) motion was a challenge to the sentencing process, and Trujillo Torres's failure to object to the imposition of the special conditions of probation at the sentencing hearing acted as a procedural bar to his rule 3.800(b)(2) motion. This was error. A defendant may raise a challenge to special conditions of probation as being invalid in a rule 3.800(b)(2) motion. *See Thime v. State*, 434 So. 3d 153, 154 (Fla. 6th DCA 2026) (holding that defendant preserved via rule 3.800(b)(2) motion her argument that the trial court imposed invalid special conditions of probation).

Because the trial court incorrectly determined that Trujillo Torres's claims were procedurally barred, it did not consider the substance of his arguments. Accordingly, we reverse the order dismissing Trujillo Torres's rule 3.800(b)(2) motion and remand for the trial court to consider the arguments therein. *See Nat'l Claims Funding Co., LLC v. Sec. First Ins. Co.*, 345 So. 3d 915, 919 n.1 (Fla. 4th DCA 2022) ("An appellate court 'should not ordinarily decide issues not ruled on by the trial court in the first instance.'" (quoting *Stark v. State Farm Fla. Ins. Co.*, 95 So. 3d 285, 289 n.4 (Fla. 4th DCA 2012))).

AFFIRMED in part; REVERSED in part; and REMANDED for further proceedings consistent herewith.

NARDELLA and GANNAM, JJ., concur.

Blair Allen, Public Defender, and Brooke Elvington, Special Assistant Public Defender, Bartow, for Appellant.

James Uthmeier, Attorney General, and William A. Leto, Assistant Attorney General, Tampa, for Appellee.

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