

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

JULY TERM 2009

MARY LOMBARDO SAUSVILLE,

Appellant,

v.

Case No. 5D08-4053

STATE OF FLORIDA,

Appellee.

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Opinion filed December 4, 2009

Appeal from the Circuit Court
for Brevard County,
Jim Earp, Judge.

John P. Flannery, II, of Campbell, Miller,
and Zimmerman, P.C., Leesburg, Virginia
and Jeffrey S. Weiner, Miami, for
Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellee.

ZAMBRANO, R., Associate Judge.

Mary Lombardo Sausville appeals her violation of probation sentence on four counts of vehicular homicide. Although Ms. Sausville has presented an interesting argument, this Court is foreclosed from considering it because the issues were not properly raised or preserved below. See Steinhorst v. State, 412 So. 2d 332, 338 (Fla. 1982) (“[F]or an argument to be cognizable on appeal, it must be the specific contention

asserted as legal ground for the objection, exception, or motion below.”); Montes v. State, 994 So. 2d 1210, 1212 (Fla. 5th DCA 2008). As a result, Ms. Sausville’s sentence is affirmed. Notwithstanding, Ms. Sausville is free to raise her trial counsel’s failure to seek a recusal of the sentencing judge and present mitigating evidence at sentencing by way of a motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850.

AFFIRMED.

LAWSON and EVANDER, JJ., concur.