

IN THE SUPREME COURT OF FLORIDA

TYRONE WILLIAMS,
Petitioner,

CASE NO.: SC16-785

v.

L.T. CASE NO.: 1D15-5716

STATE OF FLORIDA,
Respondent.

PETITIONER'S JURISDICTIONAL BRIEF

**On Review from the District Court of Appeal, First District
State of Florida**

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TABLE OF CONTENTS

TABLE OF CONTENTS.....i

TABLE OF CITATIONS.....ii

STATEMENT OF CASE AND FACTS.....1

SUMMARY OF ARGUMENT.....2

JURISDICTIONAL STATEMENT.....3

ARGUMENT.....3

I. This Court should accept jurisdiction because a plain reading of section 794.0115, Florida Statutes results in “incongruous results” and requires this Court’s guidance.....3

CONCLUSION.....8

CERTIFICATE OF SERVICE.....8

CERTIFICATE OF COMPLIANCE.....9

APPENDIX.....A.1

TABLE OF CITATIONS

Cases

<i>Anderson v. State</i> , 87 So. 3d 774 (Fla. 2012).....	6
<i>Bautista v. State</i> , 863 So. 2d 1180 (Fla. 2003).....	3, 6
<i>Bellsouth Telecomms., Inc. v. Meeks</i> , 863 So. 2d 287 (Fla. 2003).....	4
<i>Flowers v. State</i> , 69 So. 3d 1042 (Fla. 1st DCA 2011).....	7
<i>Koile v. State</i> , 934 So. 2d 1226 (Fla. 2006).....	4
<i>Mendenhall v. State</i> , 48 So. 3d 740 (Fla. 2010).....	5, 7
<i>State v. Bradford</i> , 787 So. 2d 811 (Fla. 2001).....	3
<i>State v. D.C.</i> , 114 So. 3d 440 (Fla. 5th DCA 2013).....	6
<i>State v. Vickery</i> , 961 So. 2d 309 (Fla. 2007).....	4
<i>Wilkerson v. State</i> , 143 So. 3d 462 (Fla. 5th DCA 2014).....	<i>passim</i>
<i>Williams v. State</i> , 2016 Fla. App. LEXIS 5517 (Fla. 1st DCA 2016).....	<i>passim</i>

Statutes

§ 775.082(3)(c), Fla. Stat. (2009).....	1, 2, 4
§ 794.0115(a), Fla. Stat. (2009).....	<i>passim</i>
§ 794.0115(2), Fla. Stat. (2012).....	5
§ 794.0115(6), Fla. Stat (2009).....	<i>passim</i>
§ 794.0115, (2)(e), Fla. Stat. (2014).....	5
§ 800.04(4)(b), Fla. Stat. (2012).....	5

Constitutional Provisions

Art. V, (b)(3) Fla. Cont. (1980).....	3, 4
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Other Authorities

Fla. R. App. P. Rule 9.030(a)(2)(A)(vi).....2, 3, 4
Fla. R. App. P. Rule 9.210(a)(2).....9
Fla. R. Crim. P. Rule 3.800(a).1

STATEMENT OF CASE AND FACTS

The issue before the Court is one of statutory interpretation. *Williams v. State*, 2016 Fla. App. LEXIS 5517 (Fla. 1st DCA 2016). Petitioner, Tyrone Williams, (hereinafter “Petitioner”) was convicted of sexual battery by use of force not likely to cause serious personal injury. §§ 775.082(3)(c); 794.0115(a), Fla. Stat. (2009). He was sentenced to life imprisonment as a dangerous sexual felony offender (hereinafter “DSFO”). § 794.0115, Fla. Stat. (2009). Petitioner filed a motion before the trial court, pursuant to Florida Rule of Criminal Procedure 3.800(a), arguing his life sentence was illegal and the trial court was limited to sentencing him to a minimum mandatory twenty-five year sentence. The trial court denied Petitioner’s motion, and Petitioner appealed to the First District.

Petitioner’s argument before the First District was based on *Wilkerson v. State*, 143 So. 3d 462 (Fla. 5th DCA 2014). In *Wilkerson*, the Fifth District held that pursuant to section 794.0115(6), where the minimum mandatory required by section 794.0115, Florida Statutes (2009), exceeds the maximum sentence authorized by section 775.082(3)(c), the trial court is limited to imposing a twenty-five year minimum mandatory sentence. *Id.* The First District disagreed with the Fifth District’s holding and certified conflict between *Williams* and *Wilkerson*.

SUMMARY OF ARGUMENT

Petitioner seeks to invoke the discretionary jurisdiction of this Court pursuant to Article V, Section 3(b) of the Florida Constitution. Fla. R. App. P. 9.030(a)(2)(A)(vi). In the April 12, 2016 decision below (the “Opinion), see Appendix, the First District certified conflict with the Fifth District’s decision in *Wilkerson*. In the Opinion, Petitioner argued his life sentence as a DSFO, pursuant to section 794.0115(6), is illegal because his sentence exceeds the maximum 15 year sentence authorized by section 775.082(3)(c). The First District disagreed with *Wilkerson* and held the life sentence was legal based on the plain language of section 794.0115. *Williams*, 2016 Fla. App. LEXIS 5517. In relying on its plain reading of this same statute, the Fifth District in *Wilkerson* came to the opposite conclusion from the First District. In essence, both the First and the Fifth Districts relied on a plain reading of the statutes reaching opposite results.

The First District interpreted the language of the statute to allow for the minimum mandatory to include a range of 25 years to life. Alternatively, the Fifth District held the minimum mandatory did not include a range, but rather 25 years was the minimum mandatory authorized. As noted by Judge Makar’s concurrence in the Opinion, “Reasonable alternative interpretations of the sentencing statutes at issue in these cases exist ... Absent resolution of the conflict, trial judges across Florida will lack uniform guidance on their sentencing discretion resulting in

geographically incongruous results as a comparison of this case with *Wilkerson* demonstrates.” *Williams*, 2016 Fla. App. LEXIS 5517, *4 (Makar, J. concurrence). Here, because of the likely “incongruous results” of the interpretation of the statute based on the First and Fifth Districts, this Court should accept jurisdiction of this case.

JURISDICTIONAL STATEMENT

The Florida Supreme Court has discretionary jurisdiction to review a decision of a district court of appeal in which a conflict is expressly certified with another district court in a majority opinion Art. V, (b)(3) Fla. Const. (1980); Fla. R. App. P. 9.030(a)(2)(A)(iv).

ARGUMENT

- I. This Court should accept jurisdiction because a plain reading of section 794.0115, Florida Statutes results in “incongruous results” and requires this Court’s guidance.**

Legislative intent is the guiding principle behind statutory interpretation. *Bautista v. State*, 863 So. 2d 1180, 1185 (Fla. 2003). The best means to determine the intent of the legislature is by looking at the text of a statute and affording the plain meaning to its terms. *State v. Bradford*, 787 So. 2d 811, 817 (Fla. 2001) (“The plain meaning of statutory language is the first consideration of statutory construction.”). However, where there is ambiguity in the language of a statute, courts may go beyond a plain reading of the statute’s text to assist in clarifying the

legislative intent. *Koile v. State*, 934 So. 2d 1226, 1231 (Fla. 2006) (“[I]f the statutory intent is unclear from the plain language of the statute, then ‘we apply rules of statutory construction and explore legislative history to determine legislative intent.’”) (quoting *Bellsouth Telecomms., Inc. v. Meeks*, 863 So. 2d 287, 289 (Fla. 2003)). Where there are “reasonable alternative interpretations” of the language within a statute, there is a need for this Court to weigh in to avoid “geographically incongruous results[.]” *Williams*, 2016 Fla. App. LEXIS 5517, *4 (Makar, J. concurrence).

Petitioner seeks to invoke the discretionary jurisdiction of this Court pursuant to Article V, Section 3(b) of the Florida Constitution. Fla. R. App. P. 9.030(a)(2)(A)(vi). In the Opinion, because the First District’s majority decision certified conflict between the First and Fifth District Courts, this Court has discretionary jurisdiction in this matter. *See State v. Vickery*, 961 So. 2d 309, 311-12 (Fla. 2007).

In the case at bar, Petitioner argued his life sentence as a DSFO, pursuant to section 794.0115(6), is illegal because his sentence exceeds the maximum authorized by section 775.082(3)(c), which authorizes a “term of imprisonment not exceeding 15 years.” The First District held the imposition of a life sentence was legal based on the plain language of section 794.0115. *Williams*, 2016 Fla. App. LEXIS 5517. Section 794.0115(2), Florida Statutes (2009), states that a DSFO “must

be sentenced to a mandatory minimum term of 25 years imprisonment up to, and including, life imprisonment.”¹ Under section 794.0115(6), if the minimum mandatory term of section 794.0115 exceeds the statutory maximum authorized by section 775.082, the minimum mandatory term must be imposed. The First District held the plain reading of section 794.0115 “makes the DSFO minimum mandatory sentence *any* terms between twenty-five years and life in prison[.]” *Williams* 2016 Fla. App. LEXIS 5517 at * 3 (emphasis maintained). The First relied on this Court’s decision in *Mendenhall v. State*, 48 So. 3d 740 (Fla. 2010) to rationalize its holding. The Opinion went on to expressly certify conflict with the Fifth District’s decision in *Wilkerson*.

In *Wilkerson*, the defendant was convicted of violating section 800.04(4)(b), Florida Statutes, a second degree felony, a crime also generally punishable by a term of imprisonment up to fifteen years. *Wilkerson*, 143 So. 3d at 462. Following his conviction, the defendant received an enhanced sentence as a DSFO and was sentenced to life pursuant to section 794.0115(2), Florida Statutes (2012). *Id.* The defendant challenged the legality of his life sentence. *Id.* Based on a plain reading of the statute, the Fifth District held the imposition of a life sentence was illegal, and reversed and remanded defendant for resentencing vacating his life sentence. *Id.*

¹ Effective after October 1, 2014, section 794.0115(2)(e), Florida Statutes was amended to require a fifty (50) year minimum mandatory up to, and including, life imprisonment.

In deciding *Wilkerson*, the Fifth District stated that, “Legislative intent is the polestar that guides a court’s statutory interpretation ... [and] [t]o discern legislative intent, courts look to the statute’s language since the statute’s text primarily determines legislative intent.” *Wilkerson*, 143 So. 3d at 462 (citing *Bautista*, 863 So. 2d at 1185; *Anderson v. State*, 87 So. 3d 774, 777 (Fla. 2012); *State v. D.C.*, 114 So. 3d 440, 441 (Fla. 5th DCA 2013)). In reviewing section 794.0115, the Fifth District reviewed the plain language of the statute and specifically analyzed 794.0115(6), which provides the following:

(6) Notwithstanding s. 775.082(3), chapter 958, any other law, or any interpretation or construction thereof, a person subject to sentencing under this section must be sentenced to the mandatory term of imprisonment provided under this section. **If the mandatory minimum term of imprisonment imposed under this section exceeds the maximum sentence authorized under s. 775.082, s. 775.084, or chapter 921, the mandatory minimum term of imprisonment under this section must be imposed.** If the mandatory minimum term of imprisonment under this section is less than the sentence that could be imposed under s. 775.082, s. 775.084, or chapter 921, the sentence imposed must include the mandatory minimum term of imprisonment under this section.

(Emphasis maintained).

The Fifth District held that because the defendant was convicted of a second degree felony (punishable by up to 15 years), under section 794.0115(6), which “provides that when, as here, the mandatory minimum under section 794.0115 (twenty-five years) exceeds the maximum sentence authorized under section 775.082 (fifteen years), the mandatory minimum must be imposed. Thus, while we conclude the trial

court was required to impose the twenty-five year minimum sentence, the life sentence was unauthorized.” *Wilkerson*, 143 So. 3d at 462

Both the First and the Fifth Districts relied on a plain reading of the statutes to interpret the statute’s legislative intent and reached opposite conclusions. The First District interpreted the language of the statute to include a range of a minimum mandatory of 25 years to life, while the Fifth District held the minimum mandatory did not include a range, and rather 25 years was the minimum mandatory authorized as a matter of law. As noted by Judge Makar’s concurrence in the Opinion, “Reasonable alternative interpretations of the sentencing statutes at issue in these cases exist ... Absent resolution of the conflict, trial judges across Florida will lack uniform guidance on their sentencing discretion resulting in geographically incongruous results as a comparison of this case with *Wilkerson* demonstrates.” *Williams*, 2016 Fla. App. LEXIS 5517, *4 (Makar, J. concurrence).² Here, because of the likely “incongruous results” this Court should accept jurisdiction of this case.

² Additionally, Judge Makar’s concurrence notes the problematic nature of this conflict regarding this Court’s prior decision in *Mendenhall*, 48 So. 3d at 740 and the First District’s decision in *Flowers v. State*, 69 So. 3d 1042 (Fla. 1st DCA 2011).

CONCLUSION

This Court has discretionary jurisdiction to review the decision in this case, and the Court should exercise that jurisdiction to consider the merits of Petitioner's argument.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via electronic mail on this 16th day of May 2016.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this brief complies with the font requirements of Florida Rules of Appellate Procedure Rule 9.210(a)(2), of the Florida Rules of Appellate Procedure.

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