

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CF09-945
DIVISION: 56

STATE OF FLORIDA

vs.

GINJER MICHELLE ULLMAN,
Defendant.

_____ /

**ORDER GRANTING DEFENDANT'S MOTION
TO CORRECT ILLEGAL SENTENCE**

This cause came on to be heard pursuant to the Defendant's Motion to Correct Illegal Sentence pursuant to Rule 3.900(a), Fla. R. Crim. P.¹ Being fully advised in the premises, the Court finds as follows:

The Defendant only challenges the legality of the portion of her sentence wherein the Court ordered a lifetime revocation of her driver's license. The Defendant's Motion is not challenged by the State and is properly taken.

The Defendant was charged by Information with one count of Leaving the Scene of a Crash with Injury, in violation of Florida Statute §316.027(1)(a). The offense occurred on June 14, 2009. On March 15, 2011, the Defendant pled no contest to the charge and was sentenced to three (3) years in prison followed by

¹ Defendant entitles her Motion as a "Motion for Post-Conviction Relief Pursuant to Florida Rule of Criminal Procedure 3.800(a)."

two (2) years of probation. The judgment and sentence reveals the Court ordered the Defendant's driver's license be revoked for life.

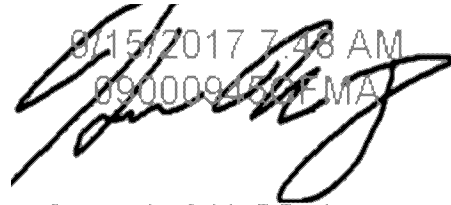
The statute in effect at the time of the offense provided that for a violation of §316.027(1)(a), "the Department [of Highway Safety and Motor Vehicles] shall revoke the driver's license of the person so convicted." Florida Statute §316.027(2) (2009). Although the Department of Highway Safety and Motor Vehicles had the authority to revoke the Defendant's driver's license, the trial court at that time did not. *Blake v. State*, 814 So.2d 1163, 1164 (Fla. 1st DCA 2002), citing *Ferris v. State*, 558 So.2d 179, 180 (Fla. 2d DCA 1990).

Therefore, it is ORDERED AND ADJUDGED that:

1. The Defendant's Motion to Correct Illegal Sentence is GRANTED.
2. The portion of the judgment and sentence wherein the Court revoked the Defendant's driver's license is stricken.
3. The Department of Highway Safety and Motor Vehicles shall revoke the Defendant's driver's license in compliance with Florida Statute §316.027(2) (2009). The Department shall determine the duration of the revocation,² and the amount of credit to be awarded for the duration of the Defendant's license revocation under the Court's judgment and sentence.

² The Defendant seeks to have this Court direct the Department to limit its suspension to one year, pursuant to §322.28, Florida Statute (2009). However, just as this Court didn't have jurisdiction to revoke the Defendant's license under Florida Statute §316.027 (2009), it likewise doesn't have jurisdiction in the instant motion to direct the Department as to the duration of the revocation.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 15
day of September, 2017.



9/15/2017 7:48 AM
09000945CFMA
e-Signed 9/15/2017 7:48 AM
09000945CFMA

CIRCUIT JUDGE

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