

Third District Court of Appeal

State of Florida

Opinion filed September 25, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-252
Lower Tribunal No. 86-4770B

Jody Gifford,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal conducted pursuant to Anders. v. California, 386 U.S. 738 (1967),
from the Circuit Court for Miami-Dade County, Stacy D. Glick, Judge.

Jody Gifford, in proper person.

Ashley Moody, Attorney General, for appellee.

Before SALTER, MILLER and GORDO, JJ.

PER CURIAM.

Affirmed.

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA,
Plaintiff,

vs.

JODY GIFFORD,
Defendant

Case No. F86-4770B
Judge Glick

FILED

JAN 23 2019

CLERK

**ORDER DENYING DEFENDANT'S MOTION
TO VACATE ILLEGAL SENTENCE (filed November 23, 2016)**

THIS CAUSE having come before this Court on the defendant, Jody Gifford's, Motion to Correct Illegal Sentence and this Court having reviewed the motion, the State's response thereto, the court files and records in this case, and being otherwise fully advised in the premises therein, hereby denies the defendant's Motion for to Correct Illegal Sentence on the following grounds:

The defendant was sentenced to Life in Prison with the opportunity for parole for crimes that occurred on February 19, 1986. At the time of the offense, the defendant was a juvenile.

Under *Franklin v. State*, 2018 WL 5839174, 43 Fla. L. Weekly S556, SC14-1442 (Fla. 2018), defendants who are sentenced to Life in prison for crimes committed as a juvenile are not entitled to resentencing under *Graham v. Florida*, 560 U.S. 48 (2010) or *Miller v. Alabama*, 567 U.S. 460 (2012) if they are eligible for parole.


ORDERED AND ADJUDGED that the Defendant's Motion to Correct Illegal Sentence is hereby DENIED.

The defendant, Jody Gifford, is hereby notified that he has the right to appeal this order to the District Court of Appeal of Florida, Third District within thirty (30) days of the signing and filing of this order. The Public Defender's Office is appointed for purposes of appeal.

In the event that the defendant takes an appeal of this order, the Clerk of this Court is hereby ordered to transport, as part of this order, to the appellate court the following:

1. Defendant's Motion and Reply.
2. The State's response and Notice of Supplemental Authority and Exhibits.
3. This order.

DONE AND ORDERED at Miami, Miami-Dade County, Florida, this the 23rd day of January, 2019.


STACY D. GLICK
CIRCUIT JUDGE

cc: Justin L Funck, Assistant State Attorney
Kelly Foster, Assistant Public Defender

I CERTIFY that a copy of this order has been furnished to
the MOVANT, JODY GIFFORD by mail this
of FEB - 1, 2019, to .

