

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ROBERT JACKSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D19-1799

[October 10, 2019]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jeffrey Colbath, Judge; L.T. Case No. 96CF012793BXXX.

Robert Jackson Florida City, pro se.

No appearance filed for appellee.

PER CURIAM.

Affirmed.

WARNER, May and GERBER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA,

v.

CRIMINAL DIVISION: R
CASE NO.: 1996CF012793BXXXMB

ROBERT JACKSON,
Defendant.

ORDER DENYING DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCES

THIS CAUSE came before the Court upon Defendant's Motion to Correct Illegal Sentences, provided to prison officials for mailing on August 13, 2018, and filed with the Clerk on August 17, 2018, pursuant to Florida Rule of Criminal Procedure 3.800(a). The Court has carefully examined Defendant's Motion, the case file, and is otherwise fully advised in the premises.

STATEMENT OF THE CASE AND FACTS

Defendant was charged by Indictment for First Degree Murder with a Firearm ("Count 1" and "Count 2"), Attempted First Degree Murder with a Firearm ("Count 3" and "Count 5"), Burglary of a Dwelling While Armed with a Firearm ("Count 4"), and Grand Theft ("Count 6.") Defendant thereafter agreed to a negotiated settlement, and on June 20, 1997, pled guilty to the lesser included offense of Second Degree Murder with a Firearm and as charged to Counts Four and Five. After Defendant's failure to follow the terms of his plea deal, the State moved to vacate Defendant's plea. On June 12, 1998, Defendant was found guilty on all counts and was sentenced to life imprisonment on Count 1 and Count 2 without the eligibility for parole, to 239.5 months (with credit for 615 days served) on Counts 3, 4, and 5, and to 191.6 months on Count 6. All sentences were to run concurrently.

Pending before this Court is Defendant's *pro se* Motion to Correct Illegal Sentences.

LEGAL ANALYSIS AND RULING

In the Motion pending before the Court, Defendant argues that a mandatory life sentence for a homicide offense violates the Cruel and Unusual Punishment Clauses of the United States and Florida Constitutions. Specifically, Defendant contests that he is entitled to individualized resentencing available to youth under the age of eighteen at the time of the commission of the offense. Defendant concludes that because he committed the offenses at the age of twenty-two, he should be entitled to the same sentencing protections available to those youthful offenders under the age of eighteen at the time of the commission of the crime.

Defendant's argument is without merit. Nothing in the cases that Defendant cites suggest that their holdings apply to adult, non-juvenile offenders. Therefore, the Court did not err in its sentencing of Defendant.

Accordingly, it is hereby

ORDERED that Defendant's *pro se* Motion to Correct Illegal Sentences is **DENIED**. The Defendant is advised he has the right to appeal within thirty (30) days of the rendition of this Order.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 10 day of May, 2019.



5/10/19

JEFFREY COLBATH
CIRCUIT JUDGE

Copies provided to:

Robert Jackson, DC #196910, Dade Correctional Institution, 19000 Southwest 377th Street, Florida City, Florida, 33034-6409

Office of the State Attorney, Division R, 401 North Dixie Highway, West Palm Beach, Florida 33401 (FELDIVR@sa15.org) (e-postconviction@sa15.org)

**Additional material
from this filing is
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