

Supreme Court of Florida

WEDNESDAY, DECEMBER 1, 2021

CASE NO.: SC21-1644

Lower Tribunal No(s):
2D20-3565; 291994CF001952000BHC

JAMES L. CAUDLE

vs. STATE OF FLORIDA

Petitioner(s)

Respondent(s)

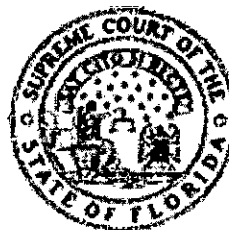
This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See *Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy
Test:



John A. Tomasino
Clerk, Supreme Court



Appendix **A**

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

JAMES L. CAUDLE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D20-3565

June 25, 2021

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit
Court for Hillsborough County; Mark Wolfe, Judge.

James L. Caudle, pro se.

PER CURIAM.

Affirmed.

SILBERMAN, SLEET, and SMITH, JJ., Concur.

Opinion subject to revision prior to official publication.

Appendix E

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division

STATE OF FLORIDA

CASE NO.: 94-CF-001952

v.

JAMES L. CAUDLE,
Defendant.

DIVISION: B

**ORDER DISMISSING IN PART AND DENYING IN PART DEFENDANT'S MOTION
TO ENTER RULING**

THIS MATTER is before the Court on Defendant's pro se "Motion to Enter Ruling," filed August 14, 2020. After reviewing the motion, the court file, and the record, the Court finds as follows:

On November 10, 1994, a jury found Defendant guilty of second-degree murder. On December 5, 1994, the Court sentenced him to a term of life imprisonment. Further, the Court adjudicated Defendant as a Habitual Felony Offender (HFO) under the provisions of Florida Statute section 775.084. The Second District Court of Appeal affirmed his conviction and sentence. *See Caudle v. State*, 693 So.2d 981 (Fla. 2d DCA 1997).

Motion to Enter Ruling

In his motion, Defendant claims that he filed a "Motion for Relief from Judgment" with the Court, on or about "July 19, 2006." Defendant alleges that "a ruling has yet to be issued by this Court on that motion," and he requests the Court to "order an evidentiary hearing and new trial or soon provide written reasons for denying relief." *See Defendant's motion*, attached.

In regard to Defendant's request, the Court finds that an exhaustive search of the court files reveals no such motion as ever having been filed with the Court on or about July 19, 2006. *See*

Clerk's Certificate, attached. As such, the Court finds that Defendant's request for the Court to rule on an alleged motion filed on or about July 19, 2006, must be dismissed.

However, the Court also notes that Defendant attached his alleged July 19, 2006 motion to his current filing. Because the Court now has his claims before it at this time, the Court finds that it shall address the claims contained within Defendant's attached motion.

Motion for Relief from Judgment

In his motion, filed pursuant to Florida Rule of Civil Procedure 1.540(b), Defendant requests the Court to "vacat[e] its judgment issued on June 29, 2005: 'Order Denying, in Part, Motion for Post Conviction Relief and Order to Respond'; and its final judgment issued on May 26, 2006: 'Order Denying Motion for Post Conviction Relief.'" In support of his request, Defendant makes numerous claims:¹

1. Defendant argues that his trial counsel provided ineffective assistance by employing a "do nothing strategy" during trial, which precluded Defendant from testifying in his own defense.
2. Defendant argues that the prosecution made "conclusory assertions" of his guilt in the charging Information, which allegedly served to shift the burden of proof to Defendant to affirmatively prove his innocence.
3. Defendant alleges that a "fraud" was committed against the Court leaving the jury with no option other than to find Defendant guilty in the instant case.
4. Defendant claims that the jury and judge were not impartial in his case, due to a note being passed from one juror to the judge, resulting in ex parte communications between the judge and that juror, which ultimately influenced the rest of the jurors to find Defendant guilty.
5. Defendant appears to argue that the "disposition" of his co-defendant, Barbara Blair, was erroneously excluded from his trial for consideration by the jury.
6. Defendant claims that the State "perpetrated a subsequent post-trial fraud" by evasively responding to "Ground Three of the Defendant's Motion for Post Conviction Relief, regarding Tampa Police Department Detective Rick Childer's trial testimony that he heard Barbara Denise Blair accuse the Defendant of having killed Howard Lee Gadson."

¹ The Court has renumbered Defendant's claims for the sake of clarity.

7. Defendant appears to argue that his life sentence is illegal as it is an impermissible "indefinite term of imprisonment."

Ultimately, Defendant requests the Court to "reverse its May 26, 2006 judgment and order a new trial." *See* Defendant's motion, attached.

First, the Court finds that Defendant has failed to specify which rule of criminal procedure he is proceeding under, that would entitle him to some relief as to his claims. Notwithstanding, the Court will address Defendant's claims contained within his motion.

Insofar as Defendant seeks the Court to "vacat[e] its judgment issued on June 29, 2005 ... and its final judgment issued on May 26, 2006," the Court finds that it shall treat Defendant's motion as a motion for reconsideration, and denies it, both as untimely and on its merits, as the Court finds that its prior Orders adequately addressed Defendant's claims at that time.²

Next, as to above numbered claims one through six, the Court finds that such claims appropriately should have been raised on direct appeal or in a facially sufficient, timely motion filed pursuant to Florida Rule of Criminal Procedure 3.850. The Court finds that it shall not address these claims as if filed under rule 3.850 at this time, as his motion would be untimely and does not comport with the requirements under the rule. As such, the Court finds that Defendant is entitled to no relief as to these claims.

However, the Court finds that in claim seven, Defendant appears to be questioning the legality of his life sentence in count one of this case. Because Defendant alleges that his life sentence constitutes illegal "indefinite imprisonment," the Court shall address such a claim as if filed pursuant to Florida Rule of Criminal Procedure 3.800(a).

² A review of the record reveals no such Orders entered on the dates Defendant specifies. However, on July 5, 2005, and June 1, 2006, the Court entered Orders consistent with what Defendant describes.

After consideration of Defendant's claim, the Court finds that Defendant is not entitled to relief. Under rule 3.800(a), "[a] court may at any time correct an illegal sentence imposed by it [...] when it is affirmatively alleged that the court records demonstrate on their face an entitlement to that relief [...]." Fla. R. Crim. P. 3.800(a). The Second District Court of Appeal has explained the narrow application of rule 3.800(a), stating that "[r]ule 3.800(a) is intended to provide relief for a narrow category of cases in which the sentence imposes a penalty that is simply not authorized by law. It is concerned primarily with whether the terms and conditions of the punishment for a particular offense are permissible as a matter of law." *Judge v. State*, 596 So. 2d 73, 77 (Fla. 2d DCA 1991).

In count one of the instant case, Defendant's sentence does not exceed the statutory maximum for his offense. Murder in the Second Degree is a "felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084." § 782.04, Fla. Stat. (1994). Section 775.084(4)(a) provides that a defendant determined to qualify as a HFO may be sentenced, "[i]n the case of a felony of the first degree, for life." § 775.084, Fla. Stat. (1994). In this case, Defendant was sentenced to life imprisonment as a HFO, which is a term of imprisonment that the Court may have permissibly imposed, regardless of whether he was found to be a HFO or not. *See* Judgments and Sentences, attached. Therefore, the Court finds that Defendant's sentence does not exceed the statutory maximum and is not illegal. Thus his seventh claim must too be denied.

It is therefore **ORDERED AND ADJUDGED** that Defendant's "Motion to Enter Ruling," is hereby **DISMISSED, IN PART**, and **DENIED, IN PART**, consistent with the Order above.

Defendant has 30 days from the date of rendition to appeal this Order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida this ____ day of

_____, 2020.

ORIGINAL SIGNED

OCT 26 2020

MARK R. WOLFE
CIRCUIT COURT JUDGE

MARK R. WOLFE, Circuit Judge

Attachments:

Defendant's Motion
Clerk's Certificate
Judgment and Sentence

Copies sent to:

James L. Caudle, DC# 532874
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Florida 32124-1098

Assistant State Attorney, Division B

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

SECOND DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL, AND
AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS
BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF
THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER,
AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE ROBERT MORRIS CHIEF JUDGE OF THE
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND
THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: July 21, 2021

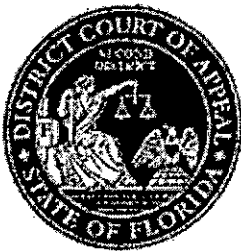
SECOND DCA CASE NO. 20-3565

COUNTY OF ORIGIN: Hillsborough

LOWER TRIBUNAL CASE NO. 94-CF-1952

CASE STYLE: JAMES L. CAUDLE

v. STATE OF FLORIDA



Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel
Clerk

cc: (without attached opinion)
ATTORNEY GENERAL, TAMPA
JAMES L. CAUDLE

C. SUZANNE BECHARD, A.A.G.

Appendix D

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

July 23, 2021

CASE NO.: 2D20-3565

L.T. No.: 94-CF-1952

JAMES L. CAUDLE

v. STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Article I, section 16(b)(10)(b), Florida Constitution, provides that all state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in noncapital cases unless a court enters an order with specific findings as to why the court was unable to comply and the circumstances causing the delay. Pursuant to the administrative procedures and definitions set forth in Supreme Court of Florida Administrative Order No. AOSC19-76, this case was not completed within the required time because the case was initiated in this court after the time had already expired.

This order is for reporting purposes only. It does not affect the decision in this case or the date of the mandate if one has issued, and it has no effect on related proceedings in the lower tribunal or in federal court.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

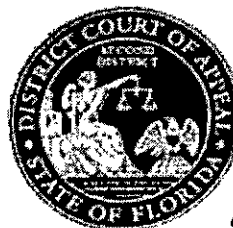
Served:

ATTORNEY GENERAL, TAMPA
JAMES L. CAUDLE

C. SUZANNE BECHARD, A.A.G.
CINDY STUART, CLERK

vh

Mary Elizabeth Kuenzel
Mary Elizabeth Kuenzel
Clerk



Appendix C

**Additional material
from this filing is
available in the
Clerk's Office.**