

No. _____

IN THE SUPREME COURT OF THE
United STATES

FREDDIE Glover - Petitioner

vs.

STATE OF FLORIDA - Respondent

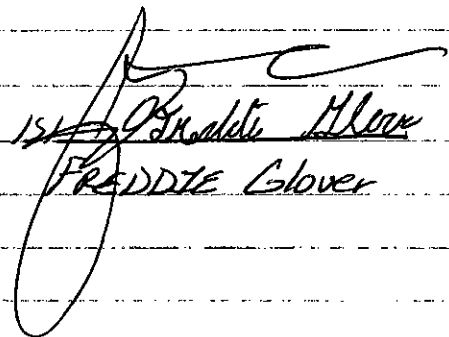
Appendix-To Writ of Certiorari

APPENDIX "A"

First District Court of Appeal case no. 1D12-2082

Final order

Executed on this 2nd day of April 2013


1st Deputy Clerk
FREDDIE Glover

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FREDDIE L. GLOVER,

Appellant,

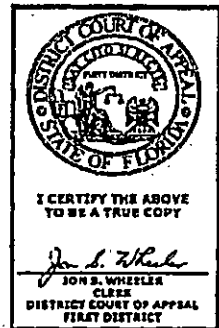
v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D12-2082

STATE OF FLORIDA,

Appellee.



Opinion filed April 2, 2013.

An appeal from the Circuit Court for Duval County.
Virginia Norton, Judge.

Nancy A. Daniels, Public Defender, and Paula S. Saunders, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Brittany Ann Rhodaback and Joshua R.
Heller, Assistant Attorneys General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

WETHERELL, ROWE, and SWANSON, JJ., CONCUR.

MANDATE

FILED

APR 18 2013

R. W. Fussell
CLERK CIRCUIT COURT

From

**DISTRICT COURT OF APPEAL OF FLORIDA
FIRST DISTRICT**

To the Honorable Judges of the Circuit Court for Duval County

WHEREAS, in the certain cause filed in this Court styled:

FREDDIE L. GLOVER

Case No : 1D12-2082

v.

Lower Tribunal Case No : 2011-1679 CFA XXX

CR-H

STATE OF FLORIDA

The attached opinion was issued on April 2, 2013.

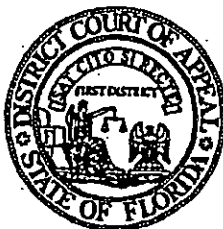
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in
accordance with said opinion, the rules of Court, and the laws of the State of Florida.

WITNESS the Honorable Robert T. Benton, II, Chief Judge

of the District Court of Appeal of Florida, First District,

and the Seal of said Court done at Tallahassee, Florida,

on this 18th day of April 2013.



Jon S. Wheeler

JON S. WHEELER, Clerk
District Court of Appeal of Florida, First District

Exhibit C

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-2674

FREDDIE GLOVER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Jeb T. Branham, Judge.

November 3, 2021

PER CURIAM.

AFFIRMED.

ROWE, C.J., and TANENBAUM and LONG, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FREDDIE GLOVER - Petitioner

vs.

STATE OF FLORIDA - Respondent

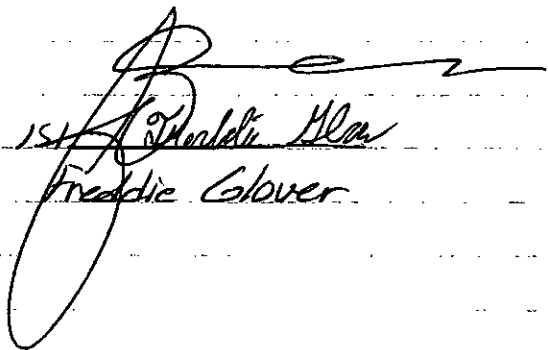
Appendix - To Writ of Certiorari

APPENDIX "B"

First District Court of Appeal case No. _____

Order Denying Rehearing and Rehearing En Banc

Executed on this 21st day of Dec. 2021


1st Freddie Glover
Freddie Glover

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FREDDIE Glover - Petitioner

VS.

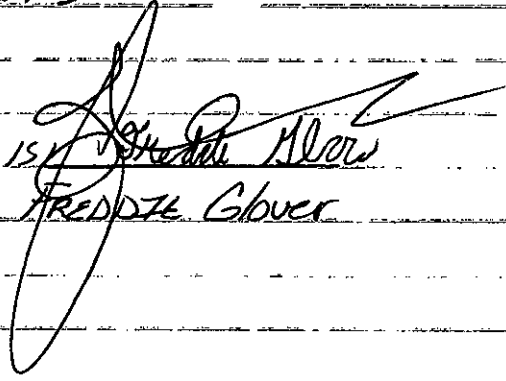
STATE OF FLORIDA - Respondent

Appendix - To Writ of Certiorari

APPENDIX "C"

Fourth Judicial Circuit Court order of denial
without an evidentiary hearing.

Entered on this 6th day of Aug 2021

151 
FREDDIE Glover

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

December 21, 2021

CASE NO.: 1D21-2674
L.T. No.: 162011CF001679A

Freddie Glover

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

The motion for rehearing en banc filed by the appellant on November 18, 2021, is denied.

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

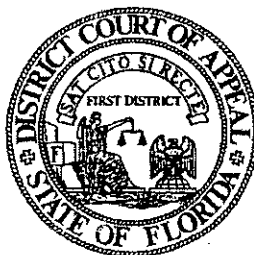
Served:

Hon. Ashley Moody, AG
Freddie L. Glover

David Welch, AAG

th


KRISTINA SAMUELS, CLERK



MANDATE

from

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

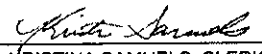
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

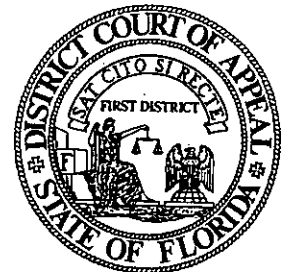
WITNESS the Honorable Lori S. Rowe, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

January 07, 2022

Freddie Glover v.
State of Florida

DCA Case No.: 1D21-2674
Lower Tribunal Case No.: 162011CF001679A


KRISTINA SAMUELS, CLERK
District Court of Appeal of Florida, First District



gl

Mandate and opinion to: Hon. Jody Phillips, Clerk

cc: (without attached opinion)

Hon. Ashley Moody, AG

David Welch, AAG

Freddie L. Glover

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2011-CF-01679-AXXX

DIVISION: CR-H

STATE OF FLORIDA

v.

FREDDIE LEE GLOVER,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO CORRECT ILLEGAL SENTENCE**

This matter comes before the Court on Defendant's *pro se* "Motion to Correct Illegal Sentence," filed on April 29, 2021.¹ pursuant to Florida Rule of Criminal Procedure 3.800(a).

On December 14, 2011, a jury found Defendant guilty of: Battery, a lesser included offense of Sexual Battery on a Person less than Twelve Years of Age (Count One); Lewd or Lascivious Molestation (Count Two), and; Sale, Distribution, or Showing of Obscene Material to Minors (Count Three). (Ex. A.) On April 4, 2012, the Court sentenced Defendant to: three hundred and sixty-five (365) days of imprisonment with the same amount of days in jail credit as to Count One; life imprisonment as to Count Two, set to run concurrently to Count One, with a twenty-five (25) year minimum mandatory term pursuant section 775.082(3)(a)4., Florida Statutes, and with four hundred and thirty (430) days of jail credit, and; five (5) years of imprisonment as to Count Three, set to run concurrently with Count One and with four hundred and thirty (430) days of jail credit. (Ex. B.) The First District Court of Appeal affirmed Defendant's judgment and sentence through a Mandate issued on April 18, 2013. (Ex. C.)

¹ See Rivera v. Dep't of Health, 177 So. 3d 1 (Fla. 1st DCA 2015) (mailbox rule).

In his Motion, Defendant alleges his sentence is illegal because his sentence of life imprisonment including a twenty-five year minimum mandatory term cannot legally be imposed. Defendant cites sections 775.082(3)(a)4.b and 948.012(4), Florida Statutes, for support and argues the Court must either sentence Defendant to life imprisonment or a split sentence of twenty-five years of imprisonment followed by probation or community control for the rest of his life. Defendant concludes that because he is serving a life sentence with a twenty-five year minimum mandatory sentence simultaneously and contrary to law, his sentence for life imprisonment is illegal and the Court should vacate his sentence as to Count Two and resentence him to continue his incarceration on his twenty-five year minimum mandatory term of imprisonment followed by a lifetime of probation or community control.

On June 15, 2021, the Court ordered the State to file a Response to Defendant's Motion, which the State did on July 19, 2021. In its Response, the State posits there is an error with Defendant's sentencing as far as the imposition of the minimum mandatory twenty-five year term but also that the Court intended to impose a life sentence on Defendant. The State maintains the Court can rectify the error by correcting the judgment and sentence without a hearing or Defendant's presence, as it is simply a ministerial act to make the necessary change.

Defendant's Motion does have some merit. The Court agrees with Defendant and the State that Defendant cannot be sentenced both to life imprisonment and a minimum mandatory twenty-five year term. The Court also agrees with the State that such a sentencing error can be corrected with ministerial action, without the need for a hearing or for Defendant to be present. However, the Court does not agree with Defendant that it must vacate his sentence of life imprisonment and resentence him. The court in Prentice v. State, 46 Fla. L. Weekly D1278, 2021 WL 2213321, at *2 (Fla 4th DCA June 2, 2021) agreed with the appellant that "statute [section

775.082(3)(a)4.] does not authorize *both* a life sentence *and* a twenty-five year mandatory minimum." The Prentice court also held that where the trial court unambiguously meant to impose a term of life imprisonment on a molestation count, but improperly imposed a minimum mandatory term as well, the sufficient remedy is to enter a corrected sentence by removing the erroneous minimum mandatory term; the Prentice court further found that such an act is ministerial in nature which would not require the defendant's presence. Id. at *3. In the instant case, the Court sentenced Defendant to life imprisonment as to Count Two at the sentencing hearing. (Ex. D at 6-7.) As such, the Court finds no ambiguity in the imposition of Defendant's term of life imprisonment, which the Court had the discretion to impose, regardless of the improper imposition of the minimum mandatory term on top of the life sentence. See id.

Therefore, because Defendant is correct that he cannot simultaneously serve a sentence of life imprisonment and a twenty-five year minimum mandatory term, the Court shall grant this Motion to the extent it corrects Defendant's sentence so that the minimum mandatory term is removed. However, the Court shall deny Defendant's request to vacate his term of life imprisonment and replace it with a twenty-five year split sentence followed by a lifetime of probation or community control, as the Court unambiguously and properly exercised its discretion to sentence Defendant to a term of life imprisonment on Count Two.

Supreme Court of Florida

WEDNESDAY, JANUARY 19, 2022

CASE NO.: SC22-84

Lower Tribunal No(s):

1D21-2674; 162011CF001679AXXXMA

FREDDIE GLOVER

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

