

# APPENDIX

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- A. State Circuit Court Opinion Denying Motion to Correct Illegal Sentence.
- B. Second District Court of Appeal per curiam opinion affirming Denial of Motion to Correct Illegal Sentence.
- C. Second District Court of Appeal opinion Denying Rehearing.

# **APPENDIX A**

IN THE CIRCUIT COURT  
FOR THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO.: CF03-00001-XX  
CF03-00002-XX

CURTIS CHEWNING,

Defendant.

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

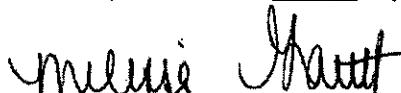
**THIS MATTER** is before the Court upon Defendant's *Motion to Correct Illegal Sentence*, filed pursuant to Fla. R. Crim. P. 3.800 on October 21, 2021. After review of the Motion, court file, and applicable law, the Court finds as follows:

The Defendant first argues that 240 penetration points were wrongly assessed in this case. The Court addressed the victim injury points in an order dated June 10, 2005. *See Order.*

Defendant's second claim of error alleges that he was illegally sentenced to 22.5 years in Florida State Prison as to counts 3 and 4 in CF03-00002-XX. The Court, during sentencing, announced that it was bound by a 1995 guidelines scoresheet. The maximum sentence allowed was 270 months, or 22.5 years. The Court never indicated that it was its intention to sentence the Defendant to the lowest permissible sentence. The sentence is legal.

Based on the above, it is **ORDERED AND ADJUDGED** that Defendant's *Motion* is **DENIED**. Defendant has thirty (30) days to appeal this order to the Second District Court of Appeal.

**DONE AND ORDERED** in Bartow, Polk County, Florida this 27th day of October, 2021.

  
\_\_\_\_\_  
MELISSA GRAVITT, Circuit Judge

cc:

-- Victoria J. Avalon, Esq., A.S.A.  
-- Curtis Chewning, DC#H18886, Avon Park CI, 8100 Hwy 64E, Avon Park, FL 33825

MG/abw

## **APPENDIX B**

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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**ORIGINAL**

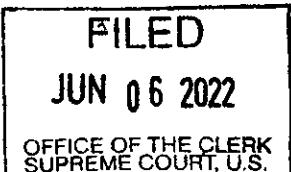
CURTIS CHEWNING,

Appellant,

v.

STATE OF FLORIDA,

Appellee.



No. 2D21-3591

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March 16, 2022

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Polk County; Melissa Gravitt, Judge.

Curtis Chewning, pro se.

PER CURIAM.

Affirmed.

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CASANUEVA, LaROSE, and LABRIT, JJ., Concur.

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Opinion subject to revision prior to official publication.

# 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.

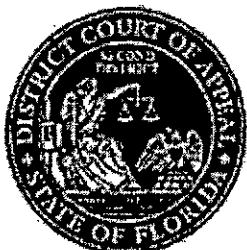
DATE: May 02, 2022

SECOND DCA CASE NO. 21-3591

COUNTY OF ORIGIN: Polk

LOWER TRIBUNAL CASE NO. CF03-000001-XX,  
CF03-000002-XX

CASE STYLE: CURTIS CHEWNING v. STATE OF FLORIDA



*Mary Elizabeth Kuenzel*  
\_\_\_\_\_  
Mary Elizabeth Kuenzel  
Clerk

cc: (without attached opinion)  
ATTORNEY GENERAL, TAMPA  
CURTIS CHEWNING

CERESE CRAWFORD TAYLOR, A.A.G.

mep

# **APPENDIX C**

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

April 13, 2022

CASE NO.: 2D21-3591  
L.T. No.: CF03-000001-XX,  
CF03-000002-XX

CURTIS CHEWNING

v. STATE OF FLORIDA

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Appellant / Petitioner(s),

Appellee / Respondent(s).

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**BY ORDER OF THE COURT:**

Appellant's "motion for rehearing, rehearing en banc and motion requesting a written opinion with certification" is denied.

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

Served:

ATTORNEY GENERAL, TAMPA  
CURTIS CHEWNING

CERESE CRAWFORD TAYLOR, A.A.G.  
STACY BUTTERFIELD, CLERK

td

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk

