

No.

IN THE SUPREME COURT OF THE UNITED STATES

IAN GRAY, PETITIONER,

v.

STATE OF FLORIDA, RESPONDENT.

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA*

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

IAN T. GRAY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2024-2251

[November 12, 2025]

CORRECTED OPINION

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Gary M. Farmer, Jr., Judge; L.T. Case No. 21-005914CF10A.

Daniel Eisinger, Public Defender, and Benjamin Nathaniel Paley, Assistant Public Defender, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Zi Jin Peter Chan, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We affirm the defendant's conviction and sentence. The State concedes that the trial court improperly assessed the "crimes against a minor" cost because the victim was not a minor. Therefore, we reverse in part and remand for trial court to vacate the "crimes against a minor" cost.

Affirmed in part, reversed in part, and remanded with instructions.

KUNTZ, C.J., MAY, J., and EWEN, LILLIAN, Associate Judge, concur.

* * *

Not final until disposition of timely-filed motion for rehearing.

APPENDIX B

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401**

January 14, 2026

IAN GRAY,
Appellant(s)
v.
STATE OF FLORIDA,
Appellee(s)

CASE NO. - 4D2024-2251
L.T. No. - 21-005914CF10A


BY ORDER OF THE COURT:

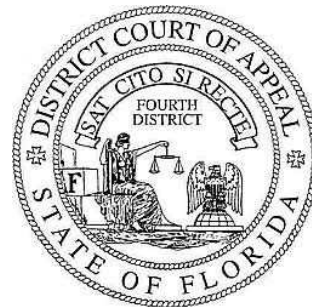
ORDERED that Appellant's December 1, 2025 motion for rehearing, written opinion, and to certify a question of great public importance is denied.

Served:
Crim App WPB Attorney General
Zi Jin Peter Chan
Virginia Jane Murphy
Benjamin Paley
Palm Beach Public Defender

KTH

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


4D2024-2251
LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2024-2251 January 14, 2026



strangulation arising out of the same event because they are both aggravated forms of simple battery.” *Id.* at 108.

The same analysis used in *Ramirez* applies here. Just like in *Ramirez*, Mr. Gray strangled the ex-girlfriend and attacked her in a different way (punching). Besides the fact that the defendant in *Ramirez* slapped instead of punched the victim, the facts are otherwise the same. Because domestic battery by strangulation and felony battery are both “aggravated” forms of simple battery, this Court should reverse one of Mr. Gray’s convictions. *See Whitfield*, 202 So. 3d at 458 (“When dual convictions violate double jeopardy, the proper remedy is to vacate one conviction.”).

II. THE SIXTH AMENDMENT ENTITLED MR. GRAY TO A TWELVE-PERSON JURY, AND HE DID NOT WAIVE THAT RIGHT.

a. The standard of review is de novo.

This Court reviews constitutional claims de novo. *See A.B. v. Fla. Dep’t of Child. & Fam. Servs.*, 901 So. 2d 324, 326 (Fla. 3d DCA 2005) (“The standard of review for the mother’s constitutional claim is de novo[,] as this issue involves a question of law.”).

b. This issue is properly brought on appeal because Mr. Gray did not waive this issue.

Preliminarily, Mr. Gray did not waive appellate review of this issue, because the trial court did not specifically ask him if he intended to waive his Sixth Amendment right to a twelve-person jury. See T. 170; *Johnson v. State*, 994 So. 2d 960, 963–64 (Fla. 2008). Instead, the trial court asked Mr. Gray if he felt ok with the jury that the trial court intended to swear in. T. 270. For that reason, this issue is proper on appeal.

c. The Sixth Amendment guarantees a defendant a twelve-person jury for all felonies.

Mr. Gray's conviction by a six-person jury violated his Sixth Amendment right to a twelve-person jury. See amend. VI, U.S. Const.; amend. XIV, U.S. Const.²

Previously, this Court has refused to rule on this issue because it is bound by Supreme Court precedent. See *Guzman v. State*, 350

² The Supreme Court has held that the Sixth Amendment right to a jury trial applies to the states through the Fourteenth Amendment's Due Process Clause. See *Duncan v. Louisiana*, 391 U.S. 145, 149 (1968) ("Because we believe that trial by jury in criminal cases is fundamental to the American scheme of justice, we hold that the Fourteenth Amendment guarantees a right of jury trial in all criminal cases which—were they to be tried in a federal court—would come within the Sixth Amendment's guarantee.").

So. 3d 72, 73 (Fla. 4th DCA 2022) (holding that this Court has “no authority to overrule . . . precedent from the United States Supreme Court that endorsed the use of a jury with only six members as constitutional” (quoting *Gonzalez v. State*, 982 So. 2d 77, 78 (Fla. 2d DCA 2008))). Nonetheless, Mr. Gray maintains, like Justice Gorsuch, that “Florida does what the Constitution forbids.” *See Cunningham v. Florida*, 144 S. Ct. 1287, 1287 (2024) (Gorsuch, J., dissenting from the denial of certiorari).

Further, Mr. Gray maintains that the Supreme Court has proven that it can overturn precedent when warranted. *See, e.g., Roe v. Wade*, 410 U.S. 113 (1973), *overruled by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022). Indeed, the Court will overturn precedent when that precedent is “irreconcilable with not just one, but two[] strands of constitutional precedent well established both before and after the decision.” *Ramos v. Louisiana*, 590 U.S. 83, 112 (2020) (Sotomayor, J., concurring). “Moreover, [t]he force of stare decisis is at its nadir in cases concerning [criminal] procedur[e] rules that implicate fundamental constitutional protections.” *Id.* at 113 (alterations in original) (quoting *Alleyne v.*

United States, 570 U.S. 99, 116 n.5 (2013)). As such, Mr. Gray continues to raise this good-faith argument for a change in the law.

Here, *Williams* is ripe for being overturned as precedent because it is irreconcilable with decades of Court case law. Both the Florida and United States Constitutions protect the right to a jury trial in criminal cases. See amend. VI, U.S. Const. (“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed”); art. I, § 22, Fla. Const. (“The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.”). Since antiquity, and contrary to Florida law, the right to a trial by jury has meant a jury consisting of twelve people.³ See

³ Thus, the prevalent use of twelve-person juries is not, as the Supreme Court held, an “historical accident.” *Contra Williams v. Florida*, 399 U.S. 78, 89–90 (1970). See also *Gibson v. State*, 16 Fla. 291, 300 (1877) (holding that historically, the right to a jury trial meant “a jury, according to the common law, to be composed of twelve persons”); Robert H. Miller, Comment, *Six of One Is Not a Dozen of the Other: A Reexamination of Williams v. Florida and the Size of State Criminal Juries*, 146 U. Pa. L. Rev. 621, 633 (1998) (discussing twelve-member juries in ancient Greek and Roman trials (myth and real)); 4 W. Blackstone, *Commentaries on the Laws of England* 343 (1769) (stating that juries consisting of twelve people were commonplace in the English common law).

Khorrami v. Arizona, 143 S. Ct. 22, 27 (2022) (Gorsuch, J., dissenting from the denial of certiorari) (“For almost all of this Nation’s history[,] and centuries before that, the right to [a] trial by jury for serious criminal offenses meant the right to a trial before [twelve] members of the community.”). “Acutely concerned with individuals and their liberty, the [F]ramers of our Constitution sought to preserve th[e] right [to a twelve-person jury] for future generations.” *Cunningham*, 144 S. Ct. at 1287 (Gorsuch, J., dissenting from the denial of certiorari). “Yet today, a small number of States refuse to honor [that] promise.” *Id.*

Florida is one of those states. In 1875, Florida amended its constitution to allow its legislature to legalize juries with less than twelve people, in direct contravention of the common law tradition

Interestingly, the number twelve was chosen for its religious significance. See 1 Edward Coke, *The First Part of the Institutes of the Lawes of England* 155 (photo. reprint 1979) (1628) (“And that number of twelve is much respected in holy Writ, as [twelve] apostles, [twelve] stones, [twelve] tribes, etc.”); John Proffatt, *Trial by Jury* 112 n.4 (San Francisco, Sumner Whitney & Co. 1877) (“[T]his number is no less esteemed by our own law than by holy writ. If the twelve apostles on their twelve thrones must try us in our eternal state, good reason hath the law to appoint the number twelve to try us in our temporal.”).

predating the Magna Carta. *See Gibson*, 16 Fla. at 300 (acknowledging that historically the right to a jury trial meant “a jury, according to the common law, to be composed of twelve persons”); *see also id.* (“The number of jurors for the trial of causes in any court may be fixed by law.”). The Florida Legislature did so in 1877, enacting chapter 3010, which provided: “[t]welve men shall constitute a jury to try all capital cases, and six men shall constitute a jury to try all other offenses prosecuted by indictment.” Ch. 3010, § 6, at 54, Laws of Fla. (1877) (codified at § 913.10, Fla. Stat.). This was, and still is, in direct violation of the Sixth Amendment.

Interestingly, when the Supreme Court gave Florida approval to continue its draconian practice of using juries with less than twelve people in felony trials, the Court used a mode of constitutional interpretation that contravenes the original meaning of the Sixth Amendment: a functionalist approach. *See Williams*, 399 U.S. at 98–103. Specifically, in *Williams*, the Court reasoned that it could find “no indication in ‘the intent of the Framers’ of an explicit decision to equate the constitutional and common-law characteristics of the jury.” *Id.* at 99. According to the Court, “[t]he relevant inquiry . . . must be the function that the particular feature performs and its

relation to the purposes of the jury trial.” *Id.* at 99–100. “Measured by th[at] standard,” the Court held, “the [twelve-person jury] requirement [for felony trials] cannot be regarded as an indispensable component of the Sixth Amendment,” because “neither currently available evidence nor theory suggests that the [twelve-person] jury is necessarily more advantageous to the defendant than a jury composed of fewer members.” *Id.* at 100–02 (footnotes omitted).

Continuing down this dark road of functionalism, the Court decided *Apodaca v. Oregon*, 406 U.S. 404 (1972). There, the Court held that nonunanimous jury verdicts in state criminal trials comported with the Sixth Amendment. *Id.* at 406. “Justice White, writing for the plurality, applied a *Williams*-style inquiry focusing upon ‘the function served by the jury in contemporary society’ and concluded that the requirement of unanimity was not ‘of constitutional stature.’” *Guzman*, 350 So. 3d at 73, 76 (Gross, J., concurring specially) (quoting *Apodaca*, 406 U.S. at 406, 410).

But then, in *Ramos*, the tide changed: the light of originalism began to peak out from the darkness of functionalism. The Supreme Court held that the Sixth Amendment’s “trial by an impartial jury” requirement encompasses what the term “meant at the time of the

Sixth Amendment’s adoption.” *Ramos*, 590 U.S. at 90. The Court wrote that the functionalist analysis relied on in *Apodaca* was flawed, and held that a nonunanimous jury verdict did not comport with the Sixth Amendment’s guarantees. *Id.* at 93, 100, 106 (2020).

Judge Gross, in a special concurrence in *Guzman*, noted that although the Supreme Court never explicitly questioned the *Williams* decision in *Ramos*, the Court’s functionalist reasoning in *Williams* is on shaky ground because of the Court’s decision in *Ramos*. See *Guzman*, 350 So. 3d at 78 Gross, J., concurring specially) (“It is a stretch to say that *Ramos* ‘effectively overruled’ *Williams*. Yet, if applied to the issue of jury size, the originalist analysis in *Ramos* would undercut *Williams*’s functionalist underpinnings.”).

Mr. Gray acknowledges that the Supreme Court recently denied review of the same twelve-person jury argument in *Albritton* (No. 23-7272), *Croce* (No. 23-7503), *Rodgers* (23-7521), *Mendezsales* (23-7588), *Davis* (23-7685), *Mantecon* (24-5113), *Terrell* (24-5284), and *Valle* (24-5431). Nonetheless, Mr. Gray maintains that the Court’s ruling in *Williams* is impossible to square with the Court’s ruling in *Ramos*.

d. Because the Sixth Amendment entitled Mr. Gray to a twelve-person jury, section 913.10 is unconstitutional because it allows for six-person juries in felony trials.

Because *Williams* was wrongly decided, section 913.10 (which legislatively permits juries of less than twelve people in felony trials) is facially unconstitutional.

“As in all constitutional challenges, [a] statute comes to [this] Court clothed with the presumption of correctness and all reasonable doubts about [a] statute’s validity must be resolved in favor of constitutionality.” *City of Fort Lauderdale v. Dhar*, 185 So. 3d 1232, 1234 (Fla. 2016). “[T]o overcome the presumption of constitutionality, ‘the invalidity must appear beyond reasonable doubt.’” *Planned Parenthood of Sw. & Cent. Fla. v. State*, 384 So. 3d 67, 77 (Fla. 2024) (quoting *Franklin v. State*, 887 So. 2d 1063, 1073 (Fla. 2004)).

“When courts consider the constitutionality of a statute that abridges a fundamental right, they are required to apply a strict scrutiny standard to determine whether the statute denies equal protection.” *Dhar*, 185 So. 3d at 1234. “A fundamental right is one [that] has its source in and is explicitly guaranteed by the federal or Florida Constitution.” *State v. J.P.*, 907 So. 2d 1101, 1109 (Fla. 2004). So “[t]o withstand strict scrutiny, a law must be necessary to

promote a compelling governmental interest and must be narrowly tailored to advance that interest.” *Jackson v. State*, 137 So. 3d 470, 474 (Fla. 4th DCA 2014).

To “abridge” a fundamental right, a government has to “reduce” or “diminish” said right. *See Abridge*, Black’s Law Dictionary (12th ed. 2024). This indicates that to abridge a fundamental right, a law must limit a person’s ability to exercise their constitutional rights. This does not mean, however, that a government can gut that fundamental right. In fact, the only way for a government to gut a fundamental right, according to an originalist interpretation of the Constitution, is through a constitutional amendment, which was not done here. *See* art. V, U.S. Const.; Antonin Scalia, *The Essential Scalia: On the Constitution, the Courts, and the Rule of Law* 12 (Jeffrey S. Sutton & Edward Whelan eds., 2020) (“Originalists believe that the provisions of the Constitution have a fixed meaning, which does not change (except by constitutional amendment): they mean today what they meant when they were adopted, nothing more and nothing less.”). Here, Mr. Gray suggests that section 913.10 will never survive strict scrutiny, because section 913.10 does not merely abridge his

Sixth Amendment right to a twelve-person jury in a felony trial, it guts that fundamental right entirely.

Nonetheless, even if this Court were to apply strict scrutiny, section 913.10 still fails because there is no compelling government interest. The history behind section 913.10 shows that Florida did not, and still does not, have a compelling government interest in limiting a defendant's Sixth Amendment right to a twelve-person jury in a felony trial, because Florida's reasoning for passing section 913.10 was racist to its very core. *See Wallace v. State*, 768 So. 2d 1247, 1250 (Fla. 1st DCA 2000) (“[R]acism has no place in our system of justice.”).

Florida's six-person jury law arose in the Jim Crow era context of a “deliberate and systematic effort to suppress minority voices in public affairs.” *Khorrami*, 143 S. Ct. at 27 (Gorsuch, J., dissenting from the denial of certiorari). Although this is never explicitly stated by the Florida Legislature, historical evidence points in that direction. Namely, during Reconstruction, when federal troops were stationed in Florida, a jury trial in a felony case consisted of twelve people. But approximately one month after federal troops left (at the birth of the Jim Crow era), Florida changed its laws, permitting a six-person jury

to hear and decide a felony case. *See* ch. 3010, § 6, at 54, Laws of Fla. (1877). Thus, the six-person jury first saw light at the birth of the Jim Crow era as former Confederates regained power in southern states and state prosecutors made a concerted effort to prevent black peoples from serving as jurors.⁴

Because there is no compelling government interest to promoting racism, section 913.10 fails to meet strict scrutiny, and it is facially unconstitutional.

This Court should reverse Mr. Gray's convictions by a six-person jury.

III. FLORIDA'S HFO AND PRR STATUTES VIOLATE MR. GRAY'S SIXTH AMENDMENT RIGHT TO A TRIAL BY JURY.

a. The standard of review is de novo.

This Court reviews constitutional claims de novo. *A.B.*, 901 So. 2d at 326.

⁴ In the aftermath of the 1876 presidential election, Reconstruction ended and federal troops withdrew from the South. Jerrell H. Shofner, *Reconstruction and Renewal, 1865–1877, in The History of Florida* 260, 273 (Michael Gannon ed., 2018). After January 1877, no federal troops remained in Florida. *Id.*

b. This issue is properly preserved by a Rule 3.800(b)(2) motion.

[E]ven if [an issue was] not originally preserved, “to provide defendants with a mechanism to correct sentencing errors in the trial court at the earliest opportunity” and to “give defendants a means to preserve these errors for appellate review,” [the Florida Supreme Court] amended Florida Rule of Criminal Procedure 3.800(b) to allow defendants to file a motion to correct sentencing error even while an appeal is pending (but before the initial brief).

Brooks v. State, 969 So. 2d 238, 241–42 (Fla. 2007) (quoting .

Mr. Gray’s HFO and PRR argument is preserved for appeal since it is a sentencing error that can be corrected through a Rule 3.800(b)(2) motion. Sentencing errors are errors that are “apparent in orders entered as a result of the sentencing process.” *Jackson v. State*, 983 So. 2d 562, 572 (Fla. 2008) (citation omitted).

Here, Mr. Gray’s HFO and PRR argument addresses an issue in the sentencing order itself (i.e., the fact that the trial court explicitly found Mr. Martin to be an HFO in the sentencing order). Thus, Mr. Gray’s status as an HFO and a PRR is a sentencing error that was properly preserved for appeal through a Rule 3.800(b)(2) motion to correct a sentencing error.

Mr. Gray acknowledges that *Luton v. State*, 934 So. 2d 7 (Fla. 3d DCA 2006), goes against his argument on appeal. *Luton*, however,

is a Third District case, which this Court is not bound by. *See Point Conversions, LLC v. WPB Hotel Partners, LLC*, 324 So. 3d 947, 960 (Fla. 4th DCA 2021) (“[W]e are not bound by a sister appellate court’s decision, just as we are not controlled by a federal district court’s decision. That said, however, we are bound by the United States Supreme Court’s decisions, and as a result we are obligated to follow them.” (citations omitted)). Thus, this Court should not rely on *Luton*.

Instead, this Court should rely on *Hollingsworth v. State*, 293 So. 3d 1049 (Fla. 4th DCA 2020). In *Hollingsworth*, this Court held that a Rule 3.800(b)(2) motion “was the proper method to raise the issue” of a trial court making findings that should be made by a jury. *Id.* at 1051. Because Mr. Gray’s argument is that the trial court erred when it made the finding that Mr. Gray could be sentenced as an HFO, instead of a jury making that finding, Mr. Gray could raise it for the first time in a Rule 3.800(b)(2) motion, and he did not need to first raise it at or before sentencing.

c. Erlinger requires a jury to make any finding that would result in a sentence enhancement.

In *Erlinger v. United States*, 602 U.S. 821 (2024), the Supreme Court reiterated that a defendant was entitled, under the Fifth and

Sixth Amendments, to have a jury determine beyond a reasonable doubt a fact that would result in a sentence enhancement. *Id.* at 834–35. The Court emphasized that “[t]he Fifth and Sixth Amendments placed the jury at the heart of our criminal justice system.” *Id.* at 831. Thus, any fact that “increase[s] the prescribed range of penalties to which a criminal defendant is exposed,” *id.* at 834 (alteration in original) (quoting *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000)) “must be resolved by a unanimous jury beyond a reasonable doubt (or freely admitted in a guilty plea),” *id.*

d. Erlinger applies to Florida’s HFO and PRR statutes.

Although there is binding state case law that states a trial court can find that a prior conviction occurred on a specific date, *see Chapa v. State*, 159 So. 3d 361, 362 (Fla. 4th DCA 2015), that controlling state case law is wrong under *Erlinger*. Specifically, the Supreme Court in *Erlinger* emphasized that a trial court “may ‘do no more, consistent with the Sixth Amendment, than determine what crime, with what elements, the defendant was convicted of.’ ” 602 U.S. at 838 (quoting *Mathis v. United States*, 579 U.S. 500, 511–12 (2016)). Thus, the date a prior conviction was entered must be found, under *Erlinger*, by a jury (even if state case law contradicts the Court). *See*

Point Conversions, LLC, 324 So. 3d at 960 (“[W]e are not bound by a sister appellate court’s decision, just as we are not controlled by a federal district court’s decision. That said, however, we are bound by the United States Supreme Court’s decisions, and as a result we are obligated to follow them.” (citations omitted)).

e. Because Erlinger applies to Florida’s HFO statute, the trial court was required to have a jury make the requisite factual findings for Mr. Gray to be sentenced as an HFO.

Under Florida law, a trial court may sentence a defendant to an extended sentence of imprisonment if it finds the defendant is an HFO, and a trial court must sentence that defendant to a mandatory minimum if it finds that the defendant is a PRR. §§ 775.084(1), (3)(a) ; 775.082(9)(a)1., Fla. Stat. (2020) . To make either finding, a trial court has to make certain factual findings by a preponderance of the evidence. §§ 775.084(1), (3)(a); 775.082(9)(a)1., Fla. Stat. (2020).

Sections 775.082 and 775.084 violates Mr. Gray’s rights under the Fifth and Sixth Amendments. By continuing to allow a trial court, instead of a jury, to make the requisite factual findings that a defendant is an HFO (for the purpose of an enhanced sentence range) and a PRR (for the purpose of imposing the mandatory minimum), sections 775.082 and 775.084 violate Mr. Gray’s rights under the

Fifth and Sixth Amendments.

f. The trial court's error is not harmless.

During the pendency of this appeal, this Court issued its opinion in *Jackson v. State*, No. 4D2024-0819, 2025 WL 1119094 (Fla. 4th DCA Apr. 16, 2025). In *Jackson*, this Court held “that any error in failing to submit sentence enhancement questions to a jury is subject to harmless error review.” *Id.* at *6. This Court then stated that the harmless error test asks “whether the record demonstrates beyond a reasonable doubt that a rational jury would have found’ that appellant qualified as an HFO.” *Id.* “Although the harmless error test applies to both constitutional errors and errors not based on constitutional grounds, ‘the harmless error test is to be rigorously applied,’ and the State bears an extremely heavy burden in cases involving constitutional error.” *Hurst v. State*, 202 So. 3d 40, 68 (Fla. 2016) (citation omitted)).

Here, the trial court’s error is not harmless, because the record does not demonstrate beyond a reasonable doubt that a jury would have found that Mr. Gray could be sentenced as an HFO and a PRR. At sentencing, the trial court did not go through any kind of analysis of the prior convictions to ensure that Mr. Gray would qualify for HFO

and PRR statuses. That was insufficient. Thus, because *Erlinger* applies and a jury should have made the required findings for Mr. Gray to be sentenced as an HFO and a PRR, this Court should reverse Mr. Gray's conviction and sentence.

IV. THE TRIAL COURT ERRED WHEN IT IMPOSED A CRIME AGAINST MINOR COST, AS THE VICTIM WAS NOT A MINOR.

a. This Court's standard of review is de novo.

This Court "review[s] a trial court's order assessing costs for an abuse of discretion." *Taylor v. State*, 352 So. 3d 346, 348 (Fla. 4th DCA 2022). "This [C]ourt reviews a motion to correct a sentencing error de novo." *Id.* (quoting *Guadagno v. State*, 291 So. 3d 962, 962 (Fla. 4th DCA 2020)).

b. This issue was preserved by Mr. Gray raising it in a timely motion to correct sentencing errors.

This issue is preserved for appeal because Mr. Gray raised it in a timely motion to correct sentencing error, which the trial court denied when it did not rule on Mr. Gray's motion to correct sentencing errors within sixty days. See Fla. R. Crim. P. 3.800(b)(2)(B) ("[I]f the trial court does not file an order ruling on the motion within 60 days, the motion shall be deemed denied."); *Jackson*, 983 So. 2d at 568 (holding that sentencing issues raised in a motion to correct