

No.

IN THE SUPREME COURT OF THE UNITED STATES

DAVID JONES, 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

DANIEL EISINGER

Public Defender

Paul Edward Petillo

Assistant Public Defender

Counsel of Record

Office of the Public Defender

Fifteenth Judicial Circuit of Florida

421 Third Street

West Palm Beach, Florida 33401

(561) 355-7600; (561) 624-6560

ppetillo@pd15.state.fl.us

appeals@pd15.org

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

DAVID JONES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2023-2997

[May 20, 2026]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Martin Samuel Fein, Judge; L.T. Case No. 062022CF005377A88810.

Daniel Eisinger, Public Defender, and Paul Edward Petillo, Assistant Public Defender, West Palm Beach for appellant.

James Uthmeier, Attorney General, Tallahassee, and Melynda Layne Melear, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. See Guzman v. State, 350 So. 3d 72, 73 (Fla. 4th DCA 2022).

GROSS, MAY and KLINGENSMITH, JJ., concur.

* * *

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

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

June 10, 2026

DAVID JONES,
Appellant(s),
v.
STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2023-2997
L.T. No. - 062022CF005377A88810

BY ORDER OF THE COURT:

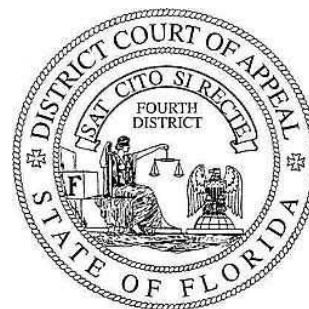
ORDERED that Appellant's June 4, 2026 motion for rehearing and for written opinion is denied.

Served:
Crim App WPB Attorney General
Mara Catherine Herbert
Melynda Layne Melear
Virginia Jane Murphy
Paul Edward Petillo
Palm Beach Public Defender
Broward State Attorney

AM

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


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2023-2997 June 10, 2026



STATEMENT OF THE CASE AND FACTS

A. Jurisdictional Statement

Appellant was charged with attempted first-degree murder with a deadly weapon and carrying a concealed weapon by a convicted felon. R 51. The counts were severed. T 15. A six-person jury convicted appellant of the lesser-included offense of attempted second-degree murder with a deadly weapon. T 453. The State nolle prossed the concealed weapon charge. T 412.

Appellant was sentenced to life imprisonment as a habitual felony offender and prison releasee reoffender. R 174, 444-45, 621-22. He filed a timely notice of appeal. R 454, 469. This Court has jurisdiction to review a criminal judgment and sentence under article V, section 4(b)(1), Florida Constitution; Florida Rule of Appellate Procedure 9.140(b)(1)(A); and sections 924.02, 924.05, and 924.06(1), Florida Statutes.

B. Appellant files notice that the speedy-trial time period has expired; the court and the State ignore it; appellant is not tried within the recapture period.

The offense date was May 21, 2022, and appellant was arrested June 2, 2022. R 26, 28, 33, 51, 123. Under rule 3.191(a), “every person charged with a crime shall be brought to trial within .

POINT IX

APPELLANT WAS DENIED HIS SIXTH AMENDMENT RIGHT TO TRIAL BY A TWELVE-MEMBER JURY

Appellant recognizes that Florida allows a jury of six in non-capital cases. Art. I, § 22, Fla. Const.; § 913.10, Fla. Stat. The Supreme Court held this does not violate the Sixth Amendment in *Williams v. Florida*, 399 U.S. 78 (1970). He submits, however, that *Williams* was incorrectly decided and is contrary to the understanding of the Sixth Amendment at the time of the Founding. See *Cunningham v. State*, 144 S. Ct. 1287–88 (2024) (Gorsuch, J., dissenting from denial of certiorari).

Appellant recognizes that this Court has rejected this claim. *Guzman v. State*, 350 So. 3d 72 (Fla. 4th DCA 2022). Nonetheless, he maintains that the correct view is set out in Justice Gorsuch’s dissent in *Cunningham*. In addition, there are two cases currently pending in the United States Supreme Court raising this issue: *Parada v. United States*, No. 25-166, and *Minor v. Florida*, No. 24-7489. The Court ordered the government to respond to the petition in *Parada* and it ordered the State to respond to the petition in

Minor. This is some indication that the Court is once again interested in addressing the issue.

The error is fundamental. Waiver of the constitutional right of trial by the proper number of jurors must be made by the defendant. See *Blair v. State*, 698 So. 2d 1210, 1217 (Fla. 1997). Appellant did not waive his right to a twelve-person jury. Further, section 913.10, Florida Statutes, is unconstitutional on its face. A defendant may raise the facial constitutionality of a statute for the first time on appeal. In *State v. Johnson*, 616 So. 2d 1 (Fla. 1993); *Mincey v. State*, 889 So. 2d 211, 212 (Fla. 4th DCA 2004).

Appellant's conviction by a six-member jury violates the Sixth Amendment to the United States Constitution. The conviction and sentence should be reversed with instructions to afford appellant a new trial.

POINT XI

THE TRIAL COURT ERRED IN SENTENCING APPELLANT AS AN HFO AND PRR

A jury found appellant guilty of attempted second-degree murder, and during the course of that offense possessed a deadly weapon. The crime is a second-degree felony, normally punishable by up to 15 years in prison, but was increased to a first-degree felony due to the deadly weapon possession. §§ 782.04(2), 777.04, Fla. Stat.

The court found, pursuant to section 775.084(1)(a), Florida Statute, that this was a qualifying offense, that appellant had two prior felony convictions, at least one within the last five years, which was not a violation of section 893.13, Florida Statute, and that appellant qualified as a Habitual Felony Offender.

Likewise, pursuant to section 775.082(9)(a), Florida Statute, the court found that appellant qualified as a Prison Releasee Reoffender.

Based on those findings the court sentenced appellant to life as a Habitual Felony Offender, and to a 30-year mandatory minimum sentence as a Prison Releasee Reoffender.

Appellant argues that *Erlinger v. United States*, 602 U.S. 821 (2024), requires that he be resentenced without the HFO or PRR designations and sentences. The State has conceded that *Erlinger* “requires that the PRR release-date finding be made by a jury, not a judge.” See *Maye v. State*, SC23-1184 (State’s Answer Brief, page 44-45).

There is no distinction between the requirements of a PRR finding and a HFO finding. Both require facts beyond what crime, with what elements, the defendant was convicted of. As argued below: (1) a HFO sentence could not be imposed because the facts required to impose it were not alleged in the information, and (2) the HFO statute is unconstitutional on its face. The remedy is to resentence a without the HFO and PRR designations and sentences.

Erlinger states that “[v]irtually any fact that increases the prescribed range of penalties to which a criminal defendant is exposed must be resolved by a unanimous jury beyond a reasonable doubt (or freely admitted in a guilty plea).” *Erlinger*, 602 U.S. at 834 (cleaned up). Judges may not assume the jury’s fact-finding function and may not apply a preponderance of the evidence standard without running afoul of the Sixth and Fourteenth

Amendments. U.S. Const. amends VI, XIV. *Id.* at 834-35. A judge may only determine what crime, with what elements, the defendant was convicted of. *Id.* at 1854.

Because the judge, rather than the jury, made those findings under a preponderance of the evidence standard, appellant's right to due process and trial by jury was violated and his sentence is illegal. U.S. Const. amends VI, XIV; Fla. Const., Art. I, §§ 9 (due process), 16 (right to jury trial in criminal cases), 22 (right to jury trial in general).

Erlinger confirms that section 775.084(1)(a) ("the HFO statute"), Florida Statutes, is unconstitutional on its face. It has been unconstitutional on its face since the Supreme Court rendered its decisions in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Ring v. Arizona*, 536 U.S. 584 (2002).

The HFO statute is unconstitutional because it permits a judge rather than a jury to make a factual determination increasing a defendant's sentencing range and requires that those findings be made by a preponderance of the evidence instead of beyond a reasonable doubt. Therefore, the statute is unconstitutional on its face because there are no set of circumstances under which is

complies with the requirements of the Sixth and Fourteenth Amendments to the United States Constitution, or with Article I, Sections 9, 16, and 22 of the Florida Constitution.

In order to qualify as a PRR the following are required:

1. The current felony is one of the enumerated offenses.
2. Was committed within three years of the date of release from sentence on the last prior felon.
3. The offender must serve the maximum sentence day-for-day, with no gain time.

This statute also requires factual findings other than the fact of a conviction and the elements of that conviction.

The PRR Statute is also facially unconstitutional pursuant to the Sixth and Fourteenth Amendments to the United States Constitutions, and Article I, Sections 9, 16, and 22 of the Florida Constitution.

The plain language of the statute cannot be reconciled with numerous decisions of both this Court and of the United States Supreme Court interpreting those constitutional provisions.

The PRR Statute requires the judge to find many facts beyond those sanctioned in *Erlinger*, and those findings are based on a

preponderance of the evidence standard. These requirements were soundly rejected in *Erlinger*, 602 U.S. at 834 (discussing the circumscribed nature of the prior conviction exception). Applying the aforementioned decisions and *Erlinger* to the plain language of the PRR statute, there are no circumstances in which the PRR statute can be constitutionally applied.

The court violated appellant's constitutional right to due process and notice because neither a HFO nor PRR sentence can be imposed when the prosecution does not allege the necessary facts in the information. “[F]acts legally essential to the punishment to be inflicted” are “elements of a crime.” *Weatherspoon v. State*, 214 So. 3d 578, 583 (Fla. 2017). Hence, they must be alleged in the information under the Due Process and Notice Clauses of the state and federal constitutions and rule 3.140(d)(1). *See also Bienaime v. State*, 213 So. 3d 927, 929 (Fla. 4th DCA 2017) (“The state’s failure to allege grounds for enhancement in the charging document cannot be cured by a jury's factual findings.”).

The information in this case only addressed the elements of the charged crime and did not include any of the facts required to make a PRR or HFO finding. “[T]he charging document serves an

important purpose beyond merely alleging the elements of the crime charged. . . . [T]he charging document must also support the sentence imposed after a finding of guilt.” *B.O. v. State*, 25 So. 3d 586, 589 (Fla. 4th DCA 2009).

Further, in violation of *Erlinger* and the cases that preceded it the prosecution did not submit those facts to a jury, and there was no jury finding of them beyond a reasonable doubt.

Both the current HFO statute and the PRR statute are unconstitutional and unenforceable. The courts are “without power to rewrite a plainly written statute, even if it is to avoid an unconstitutional result.” *Westphal v. City of St. Petersburg*, 194 So. 3d 311, 313-14 (Fla. 2016); Art. III, § 1, Fla. Const. *See also Hayes v. State*, 750 So. 2d 1, 4 (Fla. 1999) (courts are “not at liberty to add words... that were not placed there by the Legislature.”).

Appellant’s life sentence must be reversed and he should be resentenced to no more than 15 years (see Point X).

IN THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
FELONY DIVISION

STATE OF FLORIDA,	)	
	)	
vs.	)	Case No. 22-0005377CF10A
	)	4D23-2997
	)	
DAVID JONES,	)	
	)	
Defendant.	)	
_____	)	

MOTION TO CORRECT SENTENCE

Defendant, David Jones, through counsel, moves to correct his sentence under Florida Rule of Criminal Procedure 3.800(b)(2).

JURISDICTION

This court has jurisdiction. Florida Rule of Criminal Procedure 3.800(b)(2) reads:

If an appeal is pending, a defendant or the state may file in the trial court a motion to correct a sentencing error. The motion may be filed by appellate counsel and must be served before the party's first brief is served. A notice of pending motion to correct sentencing error shall be filed in the appellate court, which notice automatically shall extend the time for the filing of the brief until 10 days after the clerk of circuit court transmits the

supplemental record under Florida Rule of Appellate Procedure 9.140(f)(6).

It is unnecessary for a District Court to relinquish jurisdiction prior to a trial court hearing such a motion, because the trial court has concurrent jurisdiction with the District Court to hear the motion. Fla. R. App. Pro. 9.600(d); *Davis v. State*, 887 So. 2d 1286, 1287 (Fla. 2004) (“In the latest amendment to rule 3.800(b), subdivision (b)(2) was added, which provided a procedure for concurrent jurisdiction motions, which motions can be heard by the trial court after the jurisdiction of the appellate court has been invoked.”). The rule was intended “to give both parties a limited right to file a motion in the trial court during the initial stages of the appeal *without requiring the appellate court to enter any order relinquishing jurisdiction.*” *Amendments to Fla. R. Crim. P. 3.111(e) & 3.800 and Fla. R. App. P. 9.020(h), 9.140, and 9.600*, 761 So.2d 1015, 1018 (Fla.1999) (*quoting* Emergency Pet. to Amend Fla. R. Crim. P. 3.800 and Fla. Rule of App. Pro. 9.020(h), 9.140, and 9.600 at 4) (emphasis added).

Thus, this Court has jurisdiction to hear a motion to correct sentencing after a notice of appeal has been filed, without a notice relinquishing jurisdiction from the District Court.

STATEMENT OF THE CASE AND FACTS

A jury found Mr. Jones guilty of attempted second degree murder, and during the course possessed a deadly weapon. The crime is a second-degree felony, normally punishable by up to 15 years in prison, but increased to a first-degree felony due to the deadly weapon possession. §§ 782.04(2), 777.04, Fla. Stat.

This Court conducted a sentencing hearing and based its decision on what was heard at trial, what was contained in the Pre-Sentence Investigation, Mr. Jones scoresheet, and any mitigation that was presented. This Court found, pursuant to § 775.084(1)(a), Fla. Stat. that this was a qualifying offense, that Mr. Jones had two prior felony convictions, at least one within the last five years, which was not a violation of § 893.13, Fla. Stat. and by a preponderance of the evidence, and for the protection of the public, Mr. Jones qualified to be sentenced as a Habitual Felony Offender.

Likewise, pursuant to § 775.082(9)(a), Fla. Stat., by a preponderance of the evidence, this Court found that Mr. Jones qualified as a Prison Releasee Reoffender.

Based on those findings this Court sentenced Mr. Jones to life as a Habitual Felony Offender, and to a 30-year mandatory minimum sentence as a Prison Releasee Reoffender.

Mr. Jones argues that *Erlinger v. U.S.*, 144 S. Ct. 1840 (2024) requires that he be resentenced without the HFO or PRR designations and sentences. The State has conceded that *Erlinger* “requires that the PRR release-date finding be made by a jury, not a judge.” See *Marcus Maye v. State*, SC23-1184 (State’s Answer Brief, page 44 (“Based on *Erlinger*, however, the PRR finding must be made by a jury.”)). Therefore, the “State agrees that, moving forward, Florida [appellate] courts should reconsider [their] precedents, taking *Erlinger* into account, and intends to take that position itself in cases raising the question.” *Id.* at page 45. This is now the statewide policy of the Florida Solicitor General and Attorney General.

There is no relevant distinction to be made between the requirements of a PRR finding and a HFO finding. Both require facts beyond what crime, with what elements, the defendant was convicted of. As argued below: (1) a HFO sentence could not be imposed because the facts required to impose it were not alleged in the information, and (2) the HFO statute is unconstitutional on its face. The remedy is to resentence Mr. Jones without the HFO and PRR designations and sentences.

ISSUES

POINT I: Appellant's HFO designation and sentence is illegal pursuant to *Erlinger*.

Relevant to this appeal, in order to qualify as a HFO the following are required:

1. The defendant has two or more prior convictions, entered on different dates, for a felony.
2. The current felony was committed within five years of the date of release from sentence on the last prior felon.

3. The current felony is not an § 893.13, Fla. Stat. felony for the purchase/possession of drugs.

4. At least one of the priors is also not an § 893.13, Fla. Stat. felony.

5. The Court must declare the offender an HFO, if the criteria are proven. The Court may then enhance the penalty.

All of the above require a factual finding other than the fact of a conviction and the elements of that conviction.

Erlinger states that “[v]irtually “any fact” that “ ‘increase[s] the prescribed range of penalties to which a criminal defendant is exposed’ ” must be resolved by a unanimous jury beyond a reasonable doubt (or freely admitted in a guilty plea) (*citation omitted*). *Erlinger*, 144 S. Ct. at 1851. Judges may not assume the jury’s factfinding function and may not apply a preponderance of the evidence standard without running afoul of the Fifth, Sixth, and Fourteenth Amendments. U.S. Const. amends V, VI, XIV. *Id.* at 1851–52. A judge may only determine what crime, with what elements, the defendant was convicted of. *Id.* at 1854.

Because the judge, rather than the jury, made those findings under a preponderance of the evidence standard, Appellant's right to due process and trial by jury was violated and his sentence is illegal. U.S. Const. amends V, VI, XIV; Fla. Const., Art. I, §§ 9 (due process), 16 (right to jury trial in criminal cases), 22 (right to jury trial in general).

POINT II: An HFO sentence cannot be imposed because Florida Statute 775.084(1)(a) is unconstitutional.

Erlinger v. United States, 144 S. Ct. 1840 (2024), confirms that Section 775.084(1)(a) ("the HFO statute"), Florida Statutes, is unconstitutional on its face. It has been unconstitutional on its face since this Nation's founding, or at least since the Supreme Court rendered its decisions in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), and *Ring v. Arizona*, 536 U.S. 584 (2002).

The HFO statute is unconstitutional because it permits a judge rather than a jury to make a factual determination increasing a defendant's sentencing range and requires that those findings be made by a preponderance of the evidence instead of beyond a reasonable doubt. Therefore, the statute is unconstitutional on its

face because there are no set of circumstances under which is complies with the requirements of the Fifth and Sixth Amendments to the United States Constitution, or with Article I, Section 22 of the Florida Constitution.

POINT III: The PRR Statute cannot be imposed because Florida Statute 775.082(9)(a) is unconstitutional.

In order to qualify as a PRR the following are required:

1. The current felony is one of the enumerated offenses.
2. Was committed within three years of the date of release from sentence on the last prior felon.
3. The offender must serve the maximum sentence day-for-day, with no gain time.

This statute also requires factual findings other than the fact of a conviction and the elements of that conviction.

The PRR Statute is also facially unconstitutional pursuant to the Fifth and Sixth Amendments to the United States Constitutions, and Article I, Section 22 of the Florida Constitution.

The plain language of the statute cannot be reconciled with numerous decisions of both this Court and of the United States Supreme Court interpreting those constitutional provisions.

Erlinger's holding follows from earlier decisions in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), *Alleyne v. United States*, 570 U.S. 99 (2013), *United States v. Haymond*, 139 S. Ct. 2369 (2019), *Mathis v. United States*, 579 U.S. 500 (2016), *Hurst v. Florida*, 577 U.S. 92 (2016), and *United States v. Booker*, 543 U.S. 220, (2005). Justice Scalia's concurrence in *Ring v. Arizona* succinctly describes why the PRR statute must also be held to be facially unconstitutional:

I believe that the fundamental meaning of the jury-trial guarantee of the Sixth Amendment is that all facts essential to imposition of the level of punishment that the defendant receives—whether the statute calls them elements of the offense, sentencing factors, or Mary Jane—must be found by the jury beyond a reasonable doubt.

536 U.S. 584, 611 (2002).

Florida's Supreme Court has held likewise. *See State v. Manago*, 375 So. 3d 190, 192 (Fla. 2023) (holding that a jury must find facts other than the existence of a prior conviction if those facts

aggravate the sentencing range); *State v. Poole*, 297 So. 3d 487, 498 (Fla. 2020) (holding that facts that aggravate the sentencing range must be submitted to a jury and found beyond a reasonable doubt); *Brown v. State*, 260 So. 3d 147, 150 (Fla. 2018) (holding that a dangerousness finding that increases the statutory maximum must be made by a jury).

The PRR Statute also requires the judge to find many facts beyond those sanctioned in *Erlinger*, and those findings are based on a preponderance of the evidence standard. These requirements were soundly rejected in *Erlinger*. *Erlinger*, 144 S. Ct. at 1851 (discussing the circumscribed nature of the prior conviction exception). Applying the aforementioned decisions and *Erlinger* to the plain language of the PRR statute, there are no circumstances in which the PRR statute can be constitutionally applied.

POINT IV: Neither a HFO sentence, nor a PRR sentence, can be imposed because the prosecution did not allege the necessary facts in the information.

This Court violated Appellant's constitutional right to due process and notice because neither a HFO nor PRR sentence can be

imposed when the prosecution does not allege the necessary facts in the information. *Erlinger*, 144 S. Ct. at 1849 (stating that the Fifth and Sixth Amendment to the U.S. Constitution require that “[s]hould an indictment or accusation ... lack any particular fact which the laws made essential to the punishment, it was treated as no accusation at all.” (cleaned up)).

“Facts legally essential to the punishment to be inflicted” are “elements of a crime.” *Weatherspoon v. State*, 214 So. 3d 578, 583 (Fla. 2017). Hence, they must be alleged in the information under the Due Process and Notice Clauses of the state and federal constitutions and rule 3.140(d)(1). *Id.* at 583–84. *See also Bienaime v. State*, 213 So. 3d 927, 929 (Fla. 4th DCA 2017) (“The state’s failure to allege grounds for enhancement in the charging document cannot be cured by a jury’s factual findings.”).

The information in this case only addressed the elements of the charged crimes and did not include any of the facts required to make a PRR or HFO finding. Contrary to *Erlinger*, *id.* at 1849, and *Bienaime*, the information did not allege the “particular fact[s] which the laws ma[d]e essential to the punishment” as a HFO or

PRR. “[T]he charging document serves an important purpose beyond merely alleging the elements of the crime charged. . . . [T]he charging document must also support the sentence imposed after a finding of guilt.” *B. O. v. State*, 25 So. 3d 586, 589 (Fla. 4th DCA 2009).

Further, in violation of *Erlinger* and the cases that preceded it (*Apprendi*, *Alleyne*, *Haymond*, *Mathis*, *Hurst*, *Booker*, *Ring*, *Manago*, *Poole*, *Brown*), the prosecution did not submit those facts to a jury, and there was no jury finding of them beyond a reasonable doubt.

Both the current HFO statute and the PRR statute are unconstitutional and unenforceable. The courts are “without power to rewrite a plainly written statute, even if it is to avoid an unconstitutional result.” *Westphal v. City of St. Petersburg*, 194 So. 3d 311, 313–14 (Fla. 2016); Fla. Const., Article III, sect. 1 (“The legislative power of the state shall be vested in a legislature of the State of Florida.”). *See also Hayes v. State*, 750 So. 2d 1, 4 (Fla. 1999) (courts are “not at liberty to add words ... that were not placed there by the Legislature.”). Courts may not “rewrite a ... law to conform it to constitutional requirements, for doing so would

constitute a serious invasion of the legislative domain, and sharply diminish [the Legislature's] incentive to draft a narrowly tailored law in the first place.” *United States v. Stevens*, 559 U.S. 460, 481 (2010) (internal citations and quotation marks omitted).

CONCLUSION

Mr. Jones moves for this Court to grant this motion, vacate his sentences, and hold a *de novo* sentencing hearing. The trial judge cannot perform a harmless error analysis in lieu of a *de novo* resentencing. *Manago*, 375 So. 3d at 192. Because the Habitual Felony Offender and Prison Releasee Reoffender criminal statutes are unconstitutional, Mr. Jones cannot be resentenced as either as a habitual felony offender or prison releasee reoffender.

Pursuant to Florida Rule of Criminal Procedure 3.800(b)(2)(A), Defendant shall be represented by trial counsel in this court at any hearing [if set] on this motion to correct sentence. Further, pursuant to Rule 3.800(1)(B), the Court must set the case for calendar call within twenty (20) days of filing of the motion unless the Court determines that the motion can be resolved as a matter of law by written order. Amending the

judgment does not require a hearing. At this calendar call, the Court shall rule on the motion or set the matter for an evidentiary hearing. The evidentiary hearing shall be held within twenty (20) days of the date of the calendar call. The Court shall rule on the motion within sixty (60) days of its filing, or the motion shall be deemed denied.

Respectfully Submitted,

CAREY HAUGHWOUT

Public Defender

15th Judicial Circuit of Florida

/s/ Patrick B. Burke

Patrick B. Burke

Assistant Public Defender

Appellate Attorney for Defendant

Criminal Justice Building/6th Floor

421 3rd Street

West Palm Beach, Florida 33401

(561) 355-7600

pburke@pd15.org

Florida Bar No. 0007481

☐ 17th Judicial Circuit in and for Broward County ☐ In the County Court in and for Broward County		CLOCK IN Filed in Open Court,	
DIVISION: ☒ Criminal ☐ Traffic ☐ Other	ORDER		ON <u>NOV 25 2024</u> BY <u>TN</u>
THE STATE OF FLORIDA VS.		CASE NUMBER	
<u>David Jones</u>		<u>22-5377</u> ^{CFWA}	
DEFENDANT			
CHARGE <u>All counts</u> CORRECT sentence DEFENSE MOTION TO <u>PER Rule 3.800(b)(1)(b)</u> IS HEREBY <u>Denied</u> FOR REASONS AS STATED ON THE RECORD IN OPEN COURT.			
DONE AND ORDERED THIS <u>25</u> DAY OF <u>NOV</u>, 20<u>24</u>, IN BROWARD COUNTY, FLORIDA. _____ JUDGE			
COPIES: BSO - SAO			