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No.

FILED

APR 14 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTOPHER BURTON

Petitioner,

v.

STATE OF FLORIDA

Respondent.

On Petition for a Writ of Certiorari to the
Second District Court of Appeal of Florida

PETITION FOR WRIT OF CERTIORARI

Christopher Burton, *pro se*
Sumter Correctional Institution
9544 CR 476-B
Bushnell, FL 33513

QUESTION PRESENTED

Do Florida trial courts violate the Eighth Amendment of the United States Constitution when it relies heavily into the juvenile offenders years of incarceration before *Miller v. Alabama*, 567 U.S. 4670 (2012), when that court declines to modify the juvenile offender's life sentence pursuant to Florida Statute 921.1402 after showing their crimes were not a reflection of a irreparable corruption.

LIST OF PARTIES

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Rules of the Supreme Court of the United States Rule 14 and 29.6, Petitioner a natural U.S. citizen states the following trial judges, attorneys, persons, association of persons, firms, partnerships, or corporations have an interest in the outcome of this case:

-- The filer does not have a parent corporation nor any publicly held corporation --

1. County of Hillsborough, Municipality of Florida
2. Couriel, John D.; Chief Justice, Florida Supreme Court
3. Florida Department of Corrections
4. Francis, Renatha; Justice, Florida Supreme Court
5. Fuson, Robin F.; Judge Thirteenth Judicial Circuit for Hillsborough
County, Florida
6. Grosshanns, Jamie R.; Justice, Florida Supreme Court
7. Hodges, Lindsey; Assistant State Attorney, Florida
8. Labrit, Suzanne; Judge, Second DCA, Florida
9. Muniz, Carlos G.; Justice, Florida Supreme Court
10. Reyna-Pimiento, Natalia; Assistant Attorney General, Florida

11. Rothstein-Youakim, Susan H.; Judge, Second DCA, Florida
12. Sasso, Merdith L.; Justice, Florida Supreme Court
13. Shelhart, William Cleighton Richard
14. Silberman, Morris; Judge, Second DCA, Florida
15. Spradley, Jennifer; Assistant Public Defender, Florida
16. State of Florida
17. Stidham, Jr., Jonathan Wade
18. Uthmeier, James; Attorney General, State of Florida

RELATED CASES

Burton v. State, 2025 Fla. App. LEXIS 3600 (May 9, 2025)

Burton v. State, 2025 Fla. App. LEXIS 6735 (Sept. 5, 2025)

Burton v. State, 2026 Fla. App. LEXIS 62 (Fla. Jan 14, 2026)

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Appendix A: District Court of Appeal Of Florida Second District No.: 2D2024-0622
Order on Motion For Written Opinion, September 5, 2025.

Appendix B: In the Thirteenth Judicial Circuit Court for Hillsborough County,
Florida Criminal Justice and Trial Division Case No.: 94-CF-010478
Order Denying Sentence Modification, March 4, 2024.

Appendix C: Supreme Court of Florida No SC2025-1568, Lower Tribunal No(s):
2D2024-0622; 291994CF010478000AHC Declining to accept
jurisdiction, ordered that the petition for review is denied No SC2025-
1568, Wednesday, January 14, 2026. No motion for rehearing will be
entertained by the Court.

TABLE OF AUTHORITIES CITED

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OPINIONS BELOW

The opinion of the Second District Court of Appeals Florida (Appendix A) is reported at:2025 Fla. App. LEXIS 6735; 2025 LX 308654; 50 Fla.L Weekly D 1987
The Supreme Court of Florida (Appendix C *Infra*) is reported at:2026 Fla. LEXIS 62; 2026 LX 89345

JURISDICTION

The judgment of the Supreme Court of Florida On January 14, 2026 (Appendix C *Infra*) This Court's jurisdiction rests on 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Eighth Amendment to the United States Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

STATEMENT OF THE CASE

On January 5, 1997 Petitioner was found guilty of first degree murder and robbery with a firearm. Petitioner was originally sentenced to life without parole on Count One, and to fifteen year's prison on count Two with both counts ordered to run concurrently. Petitioner appealed, and the Second District Court of Appeal affirmed. On February 16, 2018 Petitioner was resentenced on Count One to the life imprisonment with judicial review after Twenty-five years, in accordance with Florida Statute § 921.1402(2)(a). Petitioner's sentence on count two remained as

originally imposed. On February 3, 2023 Petitioner, filed his "Application for Sentence Review" and on February 21, 2023 the court found Petitioner was eligible for the sentence review hearing and ordered the hearing to be held. Petitioner's sentence review hearing was held on February 12, 2024. On March 4, 2024 the court entered its order to deny Petitioner's Sentence review. During Petitioner's judicial review hearing the court heard unrebutted testimony from Petitioner's Expert who reviewed relevant documents for the purpose of determining if Petitioner is rehabilitated and fit to reenter society. Petitioner's Expert went over each factor outlined in Florida Statutes § 921.1402 (6) (a)-(i) as follows:

Petitioner's Expert testified that, in her opinion, regarding subsection (a) Petitioner demonstrated maturity and rehabilitation. She based her opinion on the low number of D.R.s (Disciplinary Reports) and the fact that they decreased over time, and the low number of C.C.s (Corrective Consultations) and the fact that they also decreased over time. She also testified, regarding subsection (c), that Petitioner is not at the same level of risk that he was at the time he was teenager. Regarding subsection (e), she indicated that Petitioner expressed remorse, "that the things that... day happened as they did" and wished "he could have made other choices." Regarding subsection (f), she testified that at the time of the offense Petitioner was impulsive, had significant behavioral issues, an unstable home life, and that his brain was still developing. Regarding (g), she testified, Petitioner's exhibits demonstrated, that Petitioner obtained his high school diploma while incarcerated.

He also completed a number of self-improvement course, OSHA courses, and CDL courses. Regarding subsection (h), she indicated that Petitioner was not a victim of abuse prior to committing the offense. Regarding subsection (i), her assessment was that Petitioner has been rehabilitated and fit to reenter society. Additionally, she administered the Inventory of Offender Risk, Needs and Strengths (IRONS) assessment and she interpreted those results that Petitioner was at low risk to re-offend.

The court summarized Petitioner had not demonstrated by a preponderance of the evidence that he is rehabilitated or that he is fit to reenter society. Petitioner's expert, upon whose opinion he rested his case, rendered her opinion without sufficient information, which leaves it open to doubt. As explained above, the Court rejects her opinion testimony for that reason. Petitioner's history of DRs and CCs show that he continues to have a disrespect for rules and order. He has not been rehabilitated and is not fit to reenter society. Accordingly, the Court will not modify his sentence. On March 13, 2024 Petitioner appealed. On May 9, 2025 the 2nd DCA per curiam affirmed. On May 27, 2025 Petitioner filed his pro se motion for Rehearing. The 2nd DCA issued its written opinion on September 5, 2025, then on October 3rd, 2025 Petitioner filed Notice to Invoke Discretionary Jurisdiction in the Florida Supreme Court. On January 14, 2026 the Florida Supreme Court Declined to accept jurisdiction.

REASONS FOR GRANTING THE PETITION

This Court should exercise its discretionary jurisdiction to resolve the conflict between this Court and Florida trial courts who decline to modify the juvenile's life sentence at their one time judicial review hearing pursuant to Florida Statute § 921.1402, after they've demonstrated their ability to change.

This Court has addressed its view as to those juvenile prisoners who can and can not reform by saying that "Those Prisoners who have shown their inability to reform will continue to serve life sentences. The Opportunity for release will be afforded to those who demonstrate the truth of the Miller's Central Intuition - That even Children who commit heinous crimes are capable of change." *Montgomery v. Louisiana*, 577 U.S. 209 (2016).

When those judicial review hearings are being held the trial courts are relying heavily into the juvenile's years of incarceration before *Miller v. Alabama*, 567 U.S. 460 (2012) was decided to deny modifying their life sentences.

This Court characterized those *pre-Miller* years for a juvenile serving life without parole "[m]eans denial of hope; it means good behavior and character are immaterial." *Graham v. Florida*, 560 U.S. 48 (2010) quoting *Noarth v. State*, 105 Nev. 525, 770 P. 2d 944 (1989).

Even though those juveniles like Peitioner languished in decades of hopelessness they thrived to fulfill the requirements of Florida Statute § 921.1402(a)-(i). Once the *Miller* promise applied to them restoring their hope in

2015. See, *Falcon v. State*, 172 So.3d 954 (Fla. 2015).

Here in Petitioner's case the trial court erroneously found his accomplishments to be "generally unremarkable" (Appendix B). Specifically, because they were achieved after Petitioner's resentencing in 2018 pursuant to Florida Statute § 921.1401. Further, highlighting the trial courts disregard for Petitioner's ability to change.

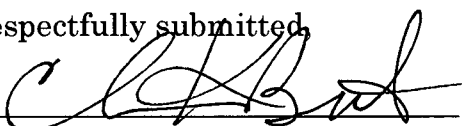
Today, Florida trial court's will continue to withhold the "opportunity for release", *Montgomery, supra*, from Petitioner and those similarly situated juveniles who have demonstrated their ability to reform and have shown their crimes are not a reflection of irreparable corruption.

For these trial courts to continue their life sentences condemns them to die in prison without further review in violation of the Eighth Amendment of the United States Constitution.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,



Christopher Burton, *pro se*