

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Sanderson v. State of Florida

Sanderson · No. Nos. 1D2024-1311, 1D2024-1312, 1D2024-1313 (consolidated) · Decided April 1, 2026

SUMMARY

The First District Court of Appeal affirmed Joseph Sanderson’s judgment and sentence, holding that Erlinger v. United States does not require a jury to determine whether a defendant qualifies as a violent felony offender of special concern based on prior convictions. The court also held that the trial court’s danger-to-the-community finding under Florida Statutes section 948.06 did not violate the Sixth Amendment in this case.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Bilbrey, J.; Kelsey, J.; Nordby, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	April 1, 2026
DOCKET	Nos. 1D2024-1311, 1D2024-1312, 1D2024-1313 (consolidated)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from judgments and sentences entered by the Circuit Court for Santa Rosa County after probation violations and related criminal charges; the cases were consolidated for disposition.
STANDARD OF REVIEW	Not expressly stated.
PRECEDENTIAL VALUE	published
PARTIES	Joseph Sanderson v. State of Florida

TOPICS

- sentencing
- sixth amendment
- criminal procedure
- appellate procedure
- harmless error

PRACTICE AREAS

- criminal procedure
- constitutional law
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Sixth Amendment, as interpreted in *Erlinger v. United States*, requires a jury rather than a trial judge to determine whether a defendant qualifies as a violent felony offender of special concern based on prior convictions and the nature of the prior offenses.
2. Whether a trial court may make the statutory dangerousness finding required for a violent felony offender of special concern in probation-revocation proceedings and whether that finding unlawfully increases the defendant's sentence.
3. Whether any error in the trial court's VFOSC-related findings was harmless.

HOLDINGS

1. The Sixth Amendment does not require a jury to determine VFOSC status when the determination rests on the fact of prior convictions and the then-existing elements or nature of the prior offenses. A trial court may determine those facts from judicial records, plea agreements, and plea colloquies.
2. The dangerousness finding required by section 948.06(8)(e)1. did not unlawfully increase Sanderson's sentence because the sentence increase resulted from the VFOSC designation, which was based on prior convictions and was validly determined by the court. *Brown v. State* therefore did not apply.
3. Any error in the trial court's VFOSC-related findings was harmless beyond a reasonable doubt.

KEY QUOTATIONS

“The Supreme Court in Erlinger expressly recognized that a court can “undertake the job of finding the fact of a prior conviction—and that job alone.”” (at 2)

“Any increase in sentence is from the VFOSC finding, which was stipulated-to here, but can also be based on a trial court’s determining a defendant’s past criminal convictions, without violating the Sixth Amendment.” (at 3)

FACTUAL BACKGROUND

Sanderson was on sex-offender probation after pleading guilty to fifteen counts of possessing child sexual abuse material and several attempted sexual offenses involving a victim under age twelve. He violated probation by contacting a minor, failing to register a cell phone as a sex offender, and accessing the internet. The trial court found that he qualified as a violent felony offender of special concern and posed a danger to the community, then imposed a twenty-five-year sentence on two sexual-battery counts and concurrent 234-month sentences on the additional counts.

PROCEDURAL HISTORY

Sanderson pleaded guilty to multiple sexual offenses and was placed on sex-offender probation. He later violated probation by having contact with a minor, failing to register a cell phone, and accessing the internet. The trial court designated him a violent felony offender of special concern, found him dangerous to the community, revoked probation, and imposed prison sentences. Sanderson appealed, arguing that the Sixth Amendment and *Erlinger* required a jury to make the VFOSC and dangerousness findings.

DISPOSITION

affirmed

CASES CITED

- Erlinger v. United States, 602 U.S. 821 (2024)
- Gilbert v. State, 397 So. 3d 57, 59 (Fla. 4th DCA 2024)
- Maye v. State, 368 So. 3d 531, 532 (Fla. 6th DCA 2023)
- Hugger v. State, 51 Fla. L. Weekly D169, 2026 WL 215872, at *1 (Fla. 1st DCA Jan. 28, 2026)
- Jett v. State, 426 So. 3d 596, 597 (Fla. 1st DCA 2025)
- Flowers v. State, 424 So. 3d 1062, 1063 (Fla. 1st DCA 2025)
- Hollingsworth v. State, 293 So. 3d 1049, 1052-53 (Fla. 4th DCA 2020)
- Souza v. State, 229 So. 3d 387, 389 (Fla. 4th DCA 2017)
- Brown v. State, 260 So. 3d 147, 149-51 (Fla. 2018)

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