

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Matthew Edward Zink v. State of Florida

No. 6D2024-1626, Sixth District Court of Appeal of Florida (March 6, 2026)

SUMMARY

The Sixth District Court of Appeal of Florida affirmed Matthew Edward Zink’s judgment and life sentence for lewd and lascivious molestation of a child under 12. The court upheld the exclusion of alleged child-hearsay testimony and concluded that any error in the trial court’s prison releasee reoffender finding was harmless because the offense independently subjected Zink to a life sentence.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Traver, C.J.; Stargel, J.; Nardella, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	March 6, 2026
DOCKET	6D2024-1626
DISPOSITION	affirmed
PROCEDURAL POSTURE	Zink appealed from a judgment and life sentence entered after a jury convicted him of lewd and lascivious molestation with a victim less than twelve years of age.
STANDARD OF REVIEW	The court applied harmless error beyond a reasonable doubt to the alleged sentencing error. The standard of review for the child-hearsay ruling was not stated because the court affirmed that ruling without further comment.
PRECEDENTIAL VALUE	Published
PARTIES	Matthew Edward Zink v. State of Florida

TOPICS

- sentencing
- harmless error
- hearsay
- evidence
- appellate procedure

PRACTICE AREAS

- criminal procedure
- criminal evidence
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether the trial court erred by excluding a witness's testimony concerning alleged child-hearsay statements.
2. Whether Zink's prison releasee reoffender designation was illegal because the trial court, rather than a jury, found the date of his release from custody on a prior conviction.
3. Whether any error in the prison releasee reoffender designation was harmless when the underlying offense independently subjected Zink to a life sentence.

HOLDINGS

1. The court affirmed the trial court's finding that the alleged child-hearsay statements were inadmissible, without further comment.
2. Any error in the trial court's finding concerning Zink's prior release date was harmless beyond a reasonable doubt because the offense independently subjected Zink to a life sentence, meaning he was not serving an enhanced sentence as a result of the prison releasee reoffender designation.

KEY QUOTATIONS

“[B]ecause Scott is not serving an enhanced sentence in this case, the error, if any, committed by the trial court when it imposed Scott’s HFO sentences is harmless on this record beyond a reasonable doubt.” (at 2)

FACTUAL BACKGROUND

A jury found Matthew Edward Zink guilty of lewd and lascivious molestation involving a victim younger than twelve years of age. The trial court entered a judgment and life sentence and designated Zink as a prison releasee reoffender. The trial court also excluded a witness's proposed testimony concerning alleged child-hearsay statements.

PROCEDURAL HISTORY

The Circuit Court for Collier County entered judgment and sentenced Zink to life imprisonment on July 22, 2024. On appeal, Zink challenged the exclusion of alleged child-hearsay testimony and his designation as a prison releasee reoffender. The Sixth District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Erlinger v. United States, 602 U.S. 821 (2024)
- Maye v. State, 368 So. 3d 531 (Fla. 6th DCA 2023)
- Avalos v. State, 419 So. 3d 299, 300 (Fla. 6th DCA 2025)
- Scott v. State, 413 So. 3d 276, 278 (Fla. 5th DCA 2025)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-1626 Lower Tribunal No. 2021-CF-000977
_____ MATTHEW EDWARD ZINK, Appellant, v. STATE OF
FLORIDA, Appellee. _____ Appeal from the Circuit Court for
Collier County. John McGowan, Judge. March 6, 2026 PER CURIAM. Matthew Edward Zink
appeals the judgment and life sentence rendered on July 22, 2024, after a jury found him guilty of
lewd and lascivious molestation with a victim less than 12 years of age.

On appeal, he argues that the trial court erred in not allowing a witness to testify regarding alleged
child hearsay statements, and that the trial court erred in sentencing him as a prison releasee
reoffender (“PRR”) because the jury did not make any findings regarding his release date from
prison.

As to the trial court’s finding that the child hearsay statements were inadmissible, we affirm
without further comment. Relying on *Erlinger v. United States*, 602 U.S. 821 (2024), Zink argues
that his sentence, which included a designation as a prison releasee reoffender, is illegal because
the trial court, rather than a jury, made the requisite finding concerning the date he was released
from custody on his prior conviction.

While we have rejected this argument in the past, even if accepted here, affirmance would still be
required. See *Maye v. State*, 368 So. 3d 531 (Fla. 6th DCA 2023), review granted, No. SC2023-
1184, 2024 WL 1796831 (Fla. Apr. 25, 2024).

As we held in *Avalos v. State*, 419 So. 3d 299, 300 (Fla. 6th DCA 2025), this type of alleged error
is subject to a harmless error analysis, and since the offense for which Zink was convicted of
subjected him to a life sentence irrespective of any PRR designation, he is not serving an enhanced
sentence.

Accordingly, the error, if any, is harmless on this record beyond a reasonable doubt. See *Scott v.*
State, 413 So. 3d 276, 278 (Fla 5th DCA 2025) (“[B]ecause Scott is not serving an enhanced
sentence in this case, the error, if any, committed by the trial court when it imposed Scott’s HFO
sentences is harmless on this record beyond a reasonable doubt.”).

Accordingly, we affirm. AFFIRMED. TRAVER, C.J., and STARGEL and NARDELLA, JJ.,
concur. Blair Allen, Public Defender, and Brett S. Chase, Special Assistant Public Defender,
Bartow, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Jonathan P. Hurley,
Senior Assistant Attorney General, Tampa, for Appellee. NOT FINAL UNTIL TIME EXPIRES
TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED 2

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