

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Rodney Allen Dawson v. State of Florida

No. 2D2023-1231 (Fla. 2d DCA Feb. 11, 2026) · No. 2D2023-1231 · Decided February 11, 2026

SUMMARY

The Florida Second District Court of Appeal reviewed Rodney Allen Dawson's sentences for kidnapping and sexual battery arising from 1994 offenses. The court held that the trial court did not adequately explain its ruling on Dawson's motion for a downward departure under the two-step analysis required by Banks v. State. It affirmed the convictions, reversed the sentences, and remanded for resentencing with appropriate findings.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Per Curiam; Lucas, C.J.; Villanti, J.; Smith, J.
JURISDICTION	Florida District Court of Appeal, Second District
DECIDED	February 11, 2026
DOCKET	2D2023-1231
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Dawson appealed his judgment and sentences for sexual battery and kidnapping, challenging the denial of his motion for a downward departure from the sentencing guidelines.
STANDARD OF REVIEW	The legal-ground and factual-support component of a downward-departure ruling is reviewed as a mixed question of law and fact: the appellate court determines whether the trial court applied the correct rule of law and whether competent substantial evidence supports the ruling. The decision whether to depart, after a valid legal ground and factual support are established, is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Florida District Court of Appeal opinion
PARTIES	Rodney Allen Dawson v. State of Florida

TOPICS

- sentencing
- sentencing guidelines
- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

criminal sentencing

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by failing to clearly address Dawson's motion for a downward departure and to identify which step of the required two-step analysis it was applying.
2. Whether the sentences should be vacated and remanded for resentencing when the record does not establish whether the trial court understood its authority to depart or would have imposed the same sentence after properly applying the departure analysis.

HOLDINGS

1. A trial court ruling on a motion for downward departure must first determine whether a valid legal ground and adequate factual support exist and, if so, must separately determine whether departure is the appropriate sentencing option by weighing the totality of the circumstances.
2. When the record does not clarify whether the trial court rejected a downward-departure motion because it lacked authority, because the evidence was insufficient, or because it exercised discretion not to depart, the sentence must be reversed or vacated and remanded for resentencing.
3. On remand, the trial court must apply the Banks two-step analysis and make any necessary findings; it may determine, after consulting counsel, whether a new sentencing hearing is necessary or whether it can rule on the existing record.

KEY QUOTATIONS

“When ruling on a motion for downward departure, the trial court must engage in a two-step process:” (at 2)

“When it is unclear from the record whether the trial court would have imposed the same sentence if the trial court had known it had discretion, we must vacate the defendant's sentence and remand the case for resentencing.” (at 3)

FACTUAL BACKGROUND

The offenses occurred in August 1994, when Dawson was nineteen. After a jury trial, the trial court imposed concurrent terms of 126 months' imprisonment followed by probation for kidnapping and sexual battery. Dawson sought a downward departure based on specialized treatment for addiction, mental disorder, or physical disability and also sought youthful-offender sentencing. He presented testimony from a licensed mental health counselor, but the trial court's oral pronouncement did not explain whether it found no legal authority to depart, found insufficient factual support, or exercised discretion not to depart.

PROCEDURAL HISTORY

Following a jury trial, the circuit court adjudicated Dawson guilty of one count of sexual battery and one count of kidnapping and imposed concurrent sentences of 126 months' imprisonment followed by probation on each count. Before sentencing, Dawson moved for a downward departure based on specialized treatment needs and

also sought youthful-offender sentencing. The trial court denied or failed to clearly address the downward-departure motion, and Dawson appealed. The Second District affirmed the convictions, reversed the sentences, and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the sentences and remand for the trial court to apply the Banks two-step downward-departure analysis and make any necessary findings. The trial court may, after consulting counsel, conduct a new sentencing hearing or rule on the existing record. Dawson's convictions are unaffected.

CASES CITED

- Banks v. State, 732 So. 2d 1065, 1067–68 (Fla. 1999)
- Geske v. State, 378 So. 3d 1199, 1205 (Fla. 2d DCA 2024)
- Butner v. State, 217 So. 3d 1162, 1164 (Fla. 2d DCA 2017)
- Williams v. State, 286 So. 3d 892, 898 (Fla. 2d DCA 2019)
- Camacho v. State, 164 So. 3d 45, 48–49 (Fla. 2d DCA 2015)
- Manyak v. State, 414 So. 3d 263, 265 (Fla. 2d DCA 2025)

OPINION

Dawson v. State of Florida

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

RODNEY ALLEN DAWSON,

Appellant, v.

STATE OF FLORIDA,

Appellee. No. 2D2023-1231 February 11, 2026 Appeal from the Circuit Court for Hillsborough County; Michael Williams, Judge. Blair Allen, Public Defender, and Joanna Beth Conner, Assistant Public Defender, Bartow, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Analise V. Walker, Assistant Attorney General, Tampa, for Appellee. PER CURIAM. Rodney Allen Dawson appeals his judgment and sentence for one count of sexual battery and one count of kidnapping for events that took place in August 1994. Following a jury trial, the trial court sentenced Mr. Dawson to 126 months' imprisonment followed by fifteen years' probation on the kidnapping charge and 126 months' imprisonment followed by fifty-four months' probation on the sexual battery count, to run concurrently. Prior to sentencing, Mr. Dawson moved for a downward departure contending that he required specialized treatment for addiction, mental disorder, or

physical disability. See § 921.0016(4)(d), Fla. Stat. (1994). He also argued for a youthful offender sentence under section 921.0016(4)(l) and section 958.04(2), Florida Statutes (1994), on the basis that he was nineteen at the time of the offenses. At the sentencing hearing, Mr. Dawson presented testimony from a licensed mental health counselor who had previously evaluated Mr. Dawson. At the conclusion of the hearing, the trial court noted that the case was a "different situation in that it's a 1994 case, different guidelines, different statutes in effect at the time" and that because the case was twenty-six years old, the trial court could "look at [Mr. Dawson's] body of work" since the time of the offenses. The trial court then went on to pronounce, without further explanation, Mr. Dawson's sentence as follows: I'm going to start with count two, which is the kidnapping charge. I'm going to adjudicate you guilty, sentence you to 126 months' prison, followed by 15 years of probation. On count one, I'm going to sentence you to 126 months' Florida State Prison, followed by 54 months of probation. Mr. Dawson now appeals that judgment and sentence, arguing that the trial court erred by denying his motion for downward departure. When ruling on a motion for downward departure, the trial court must engage in a two-step process: First, the court must determine whether it can depart, i.e., whether there is a valid legal ground and adequate factual support for that ground in the case pending before it (step 1). Legal grounds are set forth in case law and statute, 2 and facts supporting the ground must be proved at trial by "a preponderance of the evidence." This aspect of the court's decision to depart is a mixed question of law and fact and will be sustained on review if the court applied the right rule of law and if competent substantial evidence supports its ruling. Competent substantial evidence is tantamount to legally sufficient evidence, and the appellate court will assess the record evidence for its sufficiency only, not its weight. Second, where the step 1 requirements are met, the trial court further must determine whether it should depart, i.e., whether departure is indeed the best sentencing option for the defendant in the pending case. In making this determination (step 2), the court must weigh the totality of the circumstances in the case, including aggravating and mitigating factors. This second aspect of the decision to depart is a judgment call within the sound discretion of the court and will be sustained on review absent an abuse of discretion. Discretion is abused only where no reasonable person would agree with the trial court's decision. *Banks v. State*, 732 So. 2d 1065, 1067–68 (Fla. 1999) (footnotes omitted). In the instant case, the trial court did not address Mr. Dawson's downward departure motion during its oral pronouncement, and it is otherwise unclear from the pronouncement whether the trial court rejected Mr. Dawson's motion because it believed it did not have the authority to depart, or if the trial court rejected any of the expert's opinions and found the evidence insufficient to support a departure, or whether the trial court determined a legal basis for departure had been established but exercised its discretion not to depart. "This court and others have reversed where a trial court's statements are unclear as to whether it was rejecting a defendant's factual basis or whether the defendant had established a factual basis but the trial court was exercising its discretion not to depart." *Geske v. State*, 378 So. 3d 1199, 1205 (Fla. 2d DCA 2024). And the record in this case is not one that otherwise provides the necessary clarity to

conclude that the trial court 3 would have imposed the same sentence even if it had understood that it the authority to depart. See *Butner v. State*, 217 So. 3d 1162, 1164 (Fla. 2d DCA 2017) ("When it is unclear from the record whether the trial court would have imposed the same sentence if the trial court had known it had discretion, we must vacate the defendant's sentence and remand the case for resentencing."). Accordingly, we reverse Mr. Dawson's sentences and remand for the trial court to apply the Banks two-step analysis and make any necessary findings. See *Williams v. State*, 286 So. 3d 892, 898 (Fla. 2d DCA 2019) ("It is possible that the trial court, instead of determining that it could not depart, determined that it could depart but decided in its discretion not to depart and simply stated it unclearly. Because of this uncertainty, we are compelled to reverse the sentences."); *Camacho v. State*, 164 So. 3d 45, 48 (Fla. 2d DCA 2015) ("[W]e are unable to determine from the record whether the circuit court would have imposed the same sentence if it had understood that it had authority to depart. We must therefore vacate Mr. Camacho's sentences and remand for resentencing."). As our court has done on previous occasions, we note that providing findings as to each step of the Banks analysis would assist in our appellate review. See, e.g., *Manyak v. State*, 414 So. 3d 263, 265 (Fla. 2d DCA 2025), reh'g denied (Apr. 7, 2025); *Williams*, 286 So. 3d at 898 ("If the trial court is rejecting evidence as not credible or reliable and finding insufficient factual support for a valid legal ground for departure when it at the same time praises the witness, additional findings indicating what evidence was rejected would assist in our appellate review."); *Camacho*, 164 So. 3d at 46 ("[I]t is very helpful for the trial court to explain on the record the precise basis for a decision to depart or not to depart from the guidelines when sentencing."). 4 The record in this case is likely sufficient for the trial court to resolve these issues on remand. However, "[w]e leave it to the discretion of the trial court, after consulting with counsel, to decide whether it should conduct a completely new sentencing hearing or whether it can rule on the record already before it." *Manyak*, 414 So. 3d at 265 (quoting *Camacho*, 164 So. 3d at 49). Because Mr. Dawson has not challenged his convictions, they are not affected by this opinion. Affirmed in part, reversed in part, and remanded. LUCAS, C.J., and VILLANTI and SMITH, JJ., Concur. Opinion subject to revision prior to official publication. 5