

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Jared Cordel Clakley v. State of Florida

Clakley · No. 1D2021-3319 · Decided July 30, 2025

SUMMARY

The First District Court of Appeal affirmed Jared Clakley's sentences for second-degree murder and possession of a firearm by a convicted felon. The court held that Clakley could not raise unpreserved sentencing-process claims after entering an open plea, found no fundamental error in the trial court's consideration of the evidence or victim-impact statements, and rejected his preserved challenge to a \$2 cost.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Ray, J.; Lewis, J.; Nordby, J.
JURISDICTION	First District Court of Appeal, State of Florida
DECIDED	July 30, 2025
DOCKET	1D2021-3319
DISPOSITION	affirmed
PROCEDURAL POSTURE	Clakley appealed the sentencing order entered after his open plea to second-degree murder and possession of a firearm by a convicted felon. He challenged two alleged errors in the sentencing process and a \$2 cost imposed under section 938.15, Florida Statutes.
STANDARD OF REVIEW	Unpreserved sentencing-process claims following a guilty plea were reviewed for preservation and possible fundamental error; the preserved sentencing-cost claim was reviewed for legal error and prejudice. The court also considered whether the alleged sentencing errors resulted in an illegal sentence.
PRECEDENTIAL VALUE	published
PARTIES	Jared Cordel Clakley v. State of Florida

TOPICS

- sentencing
- preservation of error
- appellate procedure
- criminal procedure
- evidence

PRACTICE AREAS

criminal procedure

sentencing

appellate procedure

criminal evidence

QUESTIONS PRESENTED

1. Whether a defendant who enters a guilty or nolo contendere plea may appeal an unpreserved fundamental error in the sentencing process under Florida Rule of Appellate Procedure 9.140(b)(2)(A) (ii).
2. Whether the trial court fundamentally erred by considering an uncharged first-degree-murder offense or unsupported uncharged conduct when imposing sentence.
3. Whether the trial court fundamentally erred by accepting or considering unsworn victim-impact statements during sentencing.
4. Whether the trial court erred by imposing a \$2 cost under section 938.15, Florida Statutes, without identifying the authorizing municipal or county ordinance.

HOLDINGS

1. A defendant who pleads guilty or nolo contendere may not appeal an unpreserved error in the sentencing process, even when the defendant characterizes the error as fundamental.
2. The trial court did not commit fundamental error by referring to first-degree murder or considering conduct associated with the offense when imposing sentence because the sentencing rationale was based on evidence presented at the hearing and not on unsupported allegations.
3. The trial court's receipt and acknowledgment of unsworn victim-impact statements did not constitute fundamental or prejudicial error because the record did not establish that the court relied on the statements in imposing sentence.
4. The \$2 cost was properly affirmed because Clakley did not dispute that the authorizing ordinance existed, applied to him, and lawfully imposed the fine.

KEY QUOTATIONS

“At bottom, we find no provision in the procedural rules—or in substantive law, for that matter—authorizing an appeal by a pleading defendant of an unpreserved sentencing process error.” (at 2)

“Sentencing judges have wide discretion to consider a defendant’s conduct and the surrounding conditions of the offense when imposing an in-range sentence.” (at 8)

“Its brief acknowledgment that it had reviewed the victim impact statements does not, on its own, establish fundamental error—or any prejudicial error for that matter.” (at 9)

FACTUAL BACKGROUND

Clakley pleaded guilty to second-degree murder and possession of a firearm by a convicted felon. At sentencing, evidence showed that he threatened to shoot the victim during a phone call, went to the victim's home, refused repeated requests to leave, dragged the victim while backing his vehicle, and shot him five times. Clakley

testified that he was intoxicated, acted in self-defense or to escape, and fired only to scare the victim; the trial court rejected that account and imposed a life sentence.

PROCEDURAL HISTORY

Clakley entered an open plea in the Circuit Court for Escambia County. The circuit court adjudicated him guilty on both counts and imposed a life sentence for murder, along with the challenged cost. The First District held that the sentencing-process claims were unpreserved and not reviewable following the plea, alternatively found no fundamental error, rejected the preserved cost challenge, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Emerson v. State, 50 Fla. L. Weekly D1227, 2025 WL 1573698 (Fla. 1st DCA June 4, 2025)
- State v. Dortch, 317 So. 3d 1074 (Fla. 2021)
- Jackson v. State, 983 So. 2d 562 (Fla. 2008)
- Berben v. State, 268 So. 3d 235, 236, 238-40 (Fla. 5th DCA 2019)
- Coolen v. State, 696 So. 2d 738, 741 (Fla. 1997)
- Broy v. State, 314 So. 3d 739, 741 (Fla. 5th DCA 2021)
- Paul v. State, 277 So. 3d 232, 239-40 (Fla. 1st DCA 2019)
- Barlow v. State, 238 So. 3d 416, 417 (Fla. 1st DCA 2018)
- Constantin v. State, 301 So. 3d 449 (Fla. 5th DCA 2020) (Mem.)
- Imbert v. State, 154 So. 3d 1174, 1176-77 (Fla. 4th DCA 2015)
- Garcia v. State, 346 So. 3d 586, 586-87 (Fla. 2022)
- Patterson v. State, 994 So. 2d 428 (Fla. 1st DCA 2008)
- Baugh v. State, 253 So. 3d 761, 765 (Fla. 1st DCA 2018)
- Malden v. State, 359 So. 3d 442, 443 n.1 (Fla. 1st DCA 2023)