

SUPREME COURT OF FLORIDA

Treacy v. Lamberti

141 So. 3d 174 (Fla. 2013) · Decided October 10, 2013

SUMMARY

The Florida Supreme Court held that a juvenile charged as an adult with attempted first-degree murder was entitled to pretrial release on reasonable conditions under article I, section 14, of the Florida Constitution. Because Florida law did not provide a parole opportunity satisfying *Graham v. Florida*, the juvenile could not legally be sentenced to life imprisonment, and the charged offense therefore was not an offense punishable by life imprisonment for purposes of the constitutional bond provision. The court quashed the Fourth District Court of Appeal’s decision.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Perry, J.; Lewis, J.; Quince, J.; Labarga, J.; Polston, C.J.; Canady, J.
JURISDICTION	Florida
DECIDED	October 10, 2013
DISPOSITION	quashed
PROCEDURAL POSTURE	Review of a Fourth District Court of Appeal decision denying Treacy's petition for habeas corpus and holding that <i>Graham v. Florida</i> did not affect a juvenile defendant's entitlement to pretrial bond.
STANDARD OF REVIEW	De novo review of constitutional construction.
PRECEDENTIAL VALUE	published and precedential Florida Supreme Court opinion
PARTIES	Treacy v. Lamberti

TOPICS

- bail
- habeas corpus
- constitutional law
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- constitutional law
- criminal procedure
- bail and pretrial release
- juvenile justice
- statutory interpretation

QUESTIONS PRESENTED

1. Whether *Graham v. Florida*'s prohibition on life-without-parole sentences for juvenile offenders who did not commit homicide affects whether such a defendant is charged with an offense punishable by life imprisonment under article I, section 14, of the Florida Constitution.
2. Whether a juvenile charged as an adult with attempted first-degree murder with a deadly weapon is entitled to pretrial release on reasonable conditions as a matter of right when the juvenile cannot legally be sentenced to life imprisonment.

HOLDINGS

1. Because Florida provided no parole opportunity for juveniles sentenced to life imprisonment, *Graham v. Florida* prevented Treacy from receiving a life sentence under the law then in effect.
2. A juvenile who cannot legally be sentenced to life imprisonment is not charged with an offense punishable by life imprisonment under article I, section 14, and therefore is entitled to pretrial release on reasonable conditions unless the constitutional detention criteria are met.

KEY QUOTATIONS

“Because Treacy, and juveniles like him, cannot receive a life sentence, we hold that the plain language of the Florida Constitution provides that they are “entitled to pretrial release on reasonable conditions [that] reasonably protect the community from risk of physical harm.... ”” (178)

“Under the unambiguous language of article I, section 14, Treacy is not charged with an offense punishable by life imprisonment because he, himself, cannot be sentenced to life.” (179)

FACTUAL BACKGROUND

Treacy was fifteen when he was arrested for attempted premeditated first-degree murder and was later charged as an adult. The trial court denied his motion to set bond on the ground that the charged offense was punishable by life imprisonment. Because Florida had no parole opportunity satisfying *Graham* for a juvenile nonhomicide offender sentenced to life, the Supreme Court concluded that Treacy could not legally receive a life sentence under the statutory scheme then in effect.

PROCEDURAL HISTORY

Treacy was arrested at age fifteen and charged as an adult with attempted first-degree murder with a deadly weapon. The trial court denied his motions to set bond, and the Fourth District Court of Appeal denied his habeas petitions, ultimately holding that the Florida Constitution determines bond entitlement by offense classification rather than by the punishment legally available to the defendant. The Supreme Court of Florida accepted review because the district court expressly construed article I, section 14, of the Florida Constitution, quashed the Fourth District's decision, and held that Treacy was entitled to pretrial release on reasonable conditions. Although Treacy was later convicted and sentenced, the court retained jurisdiction under the public-importance and recurrence exception to mootness.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The Supreme Court quashed the Fourth District Court of Appeal's decision. No additional remand instructions are stated.

CASES CITED

- Graham v. Florida, Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010)
- Treacy v. Lamberti, 80 So. 3d 1053 (Fla. 4th DCA 2012)
- Cunningham v. State, 74 So. 3d 568 (Fla. 4th DCA 2011)
- Garland v. State, 70 So. 3d 609 (Fla. 1st DCA 2010), cert. denied, 132 S. Ct. 574 (2011)
- Batie v. State, 534 So. 2d 694 (Fla. 1988)
- State v. Hogan, 451 So. 2d 844 (Fla. 1984)
- Zingale v. Powell, 885 So. 2d 277, 280 (Fla. 2004)
- Fla. League of Cities v. Smith, 607 So. 2d 397, 400 (Fla. 1992)
- Holly v. Auld, 450 So. 2d 217, 218 n. 1 (Fla. 1984)