

SUPREME COURT OF FLORIDA

Winkler v. Moore

831 So. 2d 63 (Fla. 2002) · No. Nos. SC93294, SC94507, SC00-614 · Decided April 25, 2002

SUMMARY

The Florida Supreme Court consolidated petitions for writs of habeas corpus by Mark D. Winkler and Christopher Hall and a petition for writ of mandamus by James Cross. The court denied Winkler's and Hall's petitions, concluding they were not entitled to additional overcrowding gain-time credits, and granted Cross limited mandamus relief by ordering additional credits for certain offenses. The opinion addresses ex post facto and due process claims, statutory eligibility for emergency gain time, administrative gain time, and provisional credits, and disciplinary-infraction-based eligibility rules.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, C.J.; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.
JURISDICTION	Florida
DECIDED	April 25, 2002
DOCKET	Nos. SC93294, SC94507, SC00-614
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Winkler and Hall petitioned the Supreme Court of Florida for writs of habeas corpus, and Cross petitioned for a writ of mandamus concerning the calculation and restoration of prison overcrowding gain-time credits. The Court consolidated the petitions.
STANDARD OF REVIEW	The opinion does not expressly state a separately labeled standard of review. The Court independently resolved the statutory, constitutional, and gain-time-credit issues in its original habeas and mandamus proceedings.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida
PARTIES	Mark D. Winkler, Christopher Hall, James Cross v. Michael W. Moore, etc., et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether Group 1 offenders, including Winkler, were entitled under the Ex Post Facto or Due Process Clauses to restoration of overcrowding credits that they had received under later-enacted statutes but would not have been entitled to receive under the statute in effect when they committed their offenses.
2. Whether Hall, a Group 2 offender, was entitled to more than 330 days of emergency gain time under the first version of the emergency gain-time statute.
3. Whether the Department properly denied Cross overcrowding credits for two months for each month in which he committed a disciplinary infraction.
4. Whether the first overcrowding statute should be treated as effective June 15, 1983, rather than June 16, 1983, for purposes of calculating inmate credits.

HOLDINGS

1. A Group 1 offender is not entitled under ex post facto principles to overcrowding credits that were awarded under later statutes when the offender had no entitlement to those credits under the statute in effect on the date of the offense.
2. Group 1 offenders were not entitled to restoration of the disputed overcrowding credits under the Due Process Clause.
3. Hall was entitled to no more than 330 days of emergency gain time because he qualified only for Phase I awards and did not satisfy the requirements for Phase II awards.
4. Under the Department rules applicable to Cross, one month of disciplinary misconduct could result in only one month of gain-time ineligibility, not two months.
5. For purposes of the established inmate-credit calculations, the Court would treat the first overcrowding statute as effective June 15, 1983, although it legally became effective when filed with the Secretary of State on June 16, 1983.

KEY QUOTATIONS

“The appropriate “event” for ex post facto purposes is the commission of the offense and the rights the offender had on the date he or she committed the offense.” (68)

“Under the rules pertinent to this case, if there is one month of misbehavior, there should be only one month of gain time ineligibility.” (72)

FACTUAL BACKGROUND

Winkler committed three DUI manslaughter offenses and one leaving-the-scene offense in 1985 and received various forms of overcrowding credits under statutes enacted after his offenses, which were later canceled. Hall committed sexual batteries, burglaries, and an armed robbery in March 1986 and was awarded 330 days of emergency gain time as a Group 2 offender. Cross had offenses placing him in Groups 5 and 6 and lost previously awarded control-release credits after probation-revocation proceedings; the Department later denied him two months of overcrowding-credit eligibility for each month in which he committed a disciplinary infraction. The Court used the statutory versions in effect at the time of the offenses and the governing Department rules to determine each petitioner's entitlement.

PROCEDURAL HISTORY

The Florida Department of Corrections audited the petitioners' sentences after *Lynce v. Mathis* and *Gomez v. Singletary* and calculated overcrowding credits under offense-based offender groups. Winkler and Hall challenged the amounts of credits awarded or denied, while Cross challenged the Department's withholding of credits for two months following each month containing a disciplinary infraction. The Supreme Court denied Winkler's and Hall's habeas petitions and granted Cross mandamus relief in part.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Department must calculate Cross's overcrowding credits using one month of ineligibility for each month containing a qualifying disciplinary infraction, awarding Cross 405 days for his Group 5 offenses and 612 days for his Group 6 offenses. No remand was specified for Winkler or Hall because their petitions were denied.

CASES CITED

- *Gomez v. Singletary*, 733 So. 2d 499 (Fla. 1998)
- *Lynce v. Mathis*, 519 U.S. 433, 117 S. Ct. 891, 137 L. Ed. 2d 63 (1997)
- *Blankenship v. Dugger*, 521 So. 2d 1097 (Fla. 1988)
- *Dugger v. Rodrick*, 584 So. 2d 2 (Fla. 1991)
- *Griffin v. Singletary*, 638 So. 2d 500 (Fla. 1994)
- *Thomas v. Singletary*, 729 So. 2d 369 (Fla. 1998)
- *Meola v. Department of Corrections*, 732 So. 2d 1029 (Fla. 1998)
- *Meola v. Singletary*, 732 So. 2d 1029 (Fla. 1998)
- *Costello v. Wainwright*, 489 F. Supp. 1100 (M.D. Fla. 1980)
- *Leggett v. Moore*, 765 So. 2d 258 (Fla. 1st DCA 2000)
- *Black v. Moore*, 768 So. 2d 1236 (Fla. 1st DCA 2000)
- *Grant v. Singletary*, 730 So. 2d 805 (Fla. 2d DCA 1999)
- *State ex rel. Schwartz v. Bledsoe*, 159 Fla. 243, 31 So. 2d 457 (1947)
- *Langley v. Singletary*, 645 So. 2d 961 (Fla. 1994)

- **Weaver v. Graham**, 450 U.S. 24, 29 (1981)

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