

SUPREME COURT OF FLORIDA

State of Florida v. Kenneth Purdy

252 So. 3d 723 (Fla. 2018) · No. SC17-843 · Decided August 30, 2018

SUMMARY

The Supreme Court of Florida considered whether a juvenile offender's sentence review hearing must address the aggregate sentence arising from the same sentencing proceeding. The court answered the certified question in the negative, holding that Florida's juvenile sentencing statutes authorize review only of sentences imposed for specified offenses under the statutory provisions and do not authorize aggregation or resentencing of consecutive sentences. The court quashed the Fifth District Court of Appeal's decision and remanded, while a dissent argued that consideration of the aggregate sentence was constitutionally required.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Lawson, J.; Canady, C.J.; Polston, J.; Lewis, J.; Pariente, J.; Quince, J.                                                                                                                                                                                                                             |
| JURISDICTION          | Florida                                                                                                                                                                                                                                                                                                |
| DECIDED               | August 30, 2018                                                                                                                                                                                                                                                                                        |
| DOCKET                | SC17-843                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | quashed                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The Supreme Court of Florida accepted review of a Fifth District Court of Appeal decision that reversed and remanded for review of a juvenile offender's aggregate sentence and certified a question of great public importance concerning sentence aggregation at a juvenile sentence-review hearing. |
| STANDARD OF REVIEW    | De novo review of statutory interpretation.                                                                                                                                                                                                                                                            |
| PRECEDENTIAL VALUE    | Published Florida Supreme Court opinion; the plurality's statutory holding is controlling to the extent joined by a majority of the court.                                                                                                                                                             |
| PARTIES               | State of Florida v. Kenneth Purdy                                                                                                                                                                                                                                                                      |

TOPICS

- sentencing
- sentence modification
- statutory interpretation
- post-conviction relief
- cruel and unusual punishment

## PRACTICE AREAS

criminal law

juvenile sentencing

constitutional law

statutory interpretation

post-conviction relief

## QUESTIONS PRESENTED

1. Whether Florida's juvenile sentence-review statutes require a trial court to review and potentially modify the aggregate sentence arising from the same sentencing proceeding when a juvenile offender is entitled to a sentence-review hearing.
2. Whether the statutory sentence-review mechanism authorized review of Purdy's consecutive 112.7-month sentences for armed robbery and armed carjacking.

## HOLDINGS

1. The plain language of sections 775.082 and 921.1402, Florida Statutes, does not require or authorize aggregation of all sentences arising from the same sentencing proceeding at a juvenile sentence-review hearing.
2. The trial court correctly determined that the juvenile sentence-review statute provided no basis to review or resentence Purdy's consecutive 112.7-month sentences.

## KEY QUOTATIONS

*“Because the plain language of the juvenile sentencing statutes does not provide for aggregation of sentences at judicial sentence review, we answer the certified question in the negative, quash the Fifth District's decision below, and remand for further proceedings consistent with this opinion.”* (252 So. 3d at 723)

## FACTUAL BACKGROUND

Purdy committed first-degree murder, armed robbery, and armed carjacking at age seventeen in 1995. In 1997, he received life without parole for the murder and concurrent 112.7-month sentences for the robbery and carjacking, consecutive to the life sentence. After Miller-based resentencing, the trial court reduced the murder sentence following a finding that Purdy was rehabilitated and fit to reenter society but left the consecutive sentences unchanged.

## PROCEDURAL HISTORY

Purdy was convicted in 1997 of first-degree murder, armed robbery, and armed carjacking and received a life sentence for murder plus consecutive 112.7-month sentences for the other convictions. After Purdy sought relief under Florida Rule of Criminal Procedure 3.800 based on *Miller v. Alabama*, the trial court resentenced him to 40 years for murder, later reduced that sentence after finding him rehabilitated and fit to reenter society, but declined to review the consecutive sentences. The Fifth District reversed and ordered another review hearing addressing the aggregate sentence. The Florida Supreme Court answered the certified question in the negative, quashed the Fifth District's decision, and remanded.

## DISPOSITION

quashed

## REMAND INSTRUCTIONS

The case was remanded to the Fifth District Court of Appeal for further proceedings consistent with the opinion.

## CASES CITED

- Graham v. Florida, Graham v. Florida, 560 U.S. 48 (2010)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460 (2012)
- Falcon v. State, 162 So. 3d 954, 962 (Fla. 2015)
- Horsley v. State, 160 So. 3d 393, 405-06 (Fla. 2015)
- Henry v. State, 175 So. 3d 675, 680 (Fla. 2015)
- Holly v. Auld, 450 So. 2d 217, 219 (Fla. 1984)
- A.R. Douglass, Inc. v. McRaney, 137 So. 157, 159 (Fla. 1931)
- Borden v. East-European Ins. Co., 921 So. 2d 587, 591 (Fla. 2006)
- Evans v. Singletary, 737 So. 2d 505, 508 (Fla. 1999)
- State v. Weeks, 202 So. 3d 1, 7 (Fla. 2016)
- Roper v. Simmons, 543 U.S. 551, 571 (2005)
- State v. Harris, 356 So. 2d 315, 316-17 (Fla. 1978)
- Fla. Dep't of Children & Families v. F.L., 880 So. 2d 602, 609 (Fla. 2004)
- Doe v. Mortham, 708 So. 2d 929, 934 (Fla. 1998)
- Heart of Adoptions, Inc. v. J.A., 963 So. 2d 189, 207 (Fla. 2007)
- Perry v. State, 210 So. 3d 630, 638-39 (Fla. 2016)
- State v. Hackley, 95 So. 3d 92, 95 (Fla. 2012)
- Maddox v. State, 923 So. 2d 442, 448 (Fla. 2006)
- Landrum v. State, 192 So. 3d 459, 460-61 (Fla. 2016)