

SUPREME COURT OF FLORIDA

State v. Phillips

119 So. 3d 1233 (Fla. 2013) · Decided April 4, 2013

SUMMARY

The Florida Supreme Court reviewed whether the State could initiate civil commitment proceedings under the Jimmy Ryce Act against Larry Phillips after a corrected award of prison and jail credit caused his sentence to expire. The Court held that lawful custody is required when commitment proceedings are initiated and that Phillips was not in lawful custody because his sentence had expired before the State acted. The Court therefore approved the Second District Court of Appeal’s decision and held that the circuit court lacked jurisdiction over the commitment petition.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Quince, J.; Pariente, J.; Lewis, J.; Labarga, J.; Perry, J.; Canady, J.; Polston, C.J.
JURISDICTION	Florida
DECIDED	April 4, 2013
DISPOSITION	approved
PROCEDURAL POSTURE	The State sought review of a Second District Court of Appeal decision granting Phillips's petition for writ of prohibition and dismissing a Jimmy Ryce Act civil-commitment petition. The Second District certified a question of great public importance concerning whether the State could initiate commitment proceedings against an inmate whose sentence had expired because of corrected gain-time and prior-custody credit.
STANDARD OF REVIEW	De novo review of a pure question of law.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding statewide precedent.
PARTIES	State of Florida v. Larry Phillips

TOPICS

statutory interpretation

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PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether an individual must be in lawful custody when the State initiates civil-commitment proceedings under section 394.9135(1), Florida Statutes, and the Jimmy Ryce Act.
2. Whether a person whose sentence expired because of corrected prior-custody credit and gain-time was in lawful custody when the State initiated commitment proceedings.
3. Whether the circuit court had jurisdiction to adjudicate the commitment petition when the State initiated proceedings after the individual's sentence had expired.

HOLDINGS

1. The Jimmy Ryce Act requires the individual to be in lawful custody when the State initiates commitment proceedings, including proceedings under section 394.9135(1).
2. Phillips was not in lawful custody when the State initiated commitment proceedings because his sentence had expired on August 31, 2005, before the December 6, 2005 transfer and commitment proceedings.
3. The circuit court lacked jurisdiction to adjudicate the commitment petition because Phillips was not in lawful custody when the State initiated the proceedings.

KEY QUOTATIONS

“We hold that because Phillips’ sentence had expired at the time the State initiated commitment proceedings under the Jimmy Ryce Act, Phillips was not in lawful custody, and consequently, the circuit court lacked jurisdiction over the commitment petition.” (at 1234)

“We hold that lawful custody under section 394.9135(1) requires the State to initiate commitment proceedings prior to the expiration of sentence date.” (at 1242)

“Clearly, this unlawful detention seriously infringed upon Phillips’ due process rights.” (at 1244)

FACTUAL BACKGROUND

Phillips's Florida sentence for violating probation was later corrected to include two years of prior prison credit, 177 days of jail credit, and applicable gain-time. The Department of Corrections calculated that his sentence expired on August 31, 2005. Despite that expiration, the State transferred him to the custody of the Department of Children and Family Services and initiated commitment proceedings under the Jimmy Ryce Act on December 6, 2005. Phillips remained confined for more than six years without a trial determining that he was a sexually violent predator.

PROCEDURAL HISTORY

Phillips was sentenced in Florida for violating probation and later obtained an order correcting his sentence to include prior prison and jail credit. The Department of Corrections recalculated his sentence as expiring on August 31, 2005, but the State transferred him to the Department of Children and Family Services on December 6, 2005, and initiated sexually violent predator commitment proceedings. The circuit court denied Phillips's motion to dismiss, but the Second District granted prohibition, dismissed the commitment petition with prejudice, and ordered his release. The Florida Supreme Court accepted jurisdiction, approved the Second District's decision, lifted the stay, and ordered Phillips's immediate release.

DISPOSITION

approved

CASES CITED

- In re Commitment of Larry Phillips, 69 So. 3d 951 (Fla. 2d DCA 2010)
- D'Angelo v. Fitzmaurice, 863 So. 2d 311 (Fla. 2003)
- Larimore v. State, 2 So. 3d 101 (Fla. 2008)
- State v. Atkinson, 831 So. 2d 172 (Fla. 2002)
- Heggs v. State, 759 So. 2d 620 (Fla. 2000)
- Tanguay v. State, 880 So. 2d 533 (Fla. 2004)
- State v. Goode, 830 So. 2d 817 (Fla. 2002)
- Tripp v. State, 622 So. 2d 941 (Fla. 1993)
- Gordon v. Regier, 839 So. 2d 715 (Fla. 2d DCA 2003)
- Addington v. Texas, 441 U.S. 418 (1979)
- Moore v. Pearson, 789 So. 2d 316 (Fla. 2001)
- People v. Hubbart, 88 Cal. App. 4th 1202, 106 Cal. Rptr. 2d 490 (2001)