

SUPREME COURT OF FLORIDA

Henry v. State

175 So. 3d 675 (Fla. 2015) · Decided March 19, 2015

SUMMARY

The Florida Supreme Court held that *Graham v. Florida* applies to lengthy aggregate term-of-years sentences imposed on juvenile nonhomicide offenders when those sentences do not provide a meaningful opportunity for release based on demonstrated maturity and rehabilitation. The court concluded that Henry’s aggregate ninety-year sentence was unconstitutional because it would require imprisonment until he was nearly ninety-five years old. The court quashed the Fifth District Court of Appeal’s decision and remanded for resentencing.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Perry, J.; Labarga, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Polston, J.
JURISDICTION	Florida
DECIDED	March 19, 2015
DISPOSITION	quashed
PROCEDURAL POSTURE	Review of a decision of the Fifth District Court of Appeal affirming Henry's convictions and aggregate ninety-year sentence for juvenile nonhomicide offenses.
STANDARD OF REVIEW	De novo review applies to a district court of appeal's decision construing a provision of the state or federal constitution because the issue presents a pure question of law.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding precedent in Florida.
PARTIES	Leighdon Henry v. State of Florida

TOPICS

- sentencing
- cruel and unusual punishment
- constitutional law
- appellate jurisdiction
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether *Graham v. Florida*'s Eighth Amendment rule applies to lengthy aggregate term-of-years sentences imposed on juvenile nonhomicide offenders, even when the sentence is not formally denominated life imprisonment.
2. Whether Henry's aggregate ninety-year sentence violates the Eighth Amendment because it does not provide a meaningful opportunity for release based on demonstrated maturity and rehabilitation.
3. What relief is appropriate after determining that the sentence is unconstitutional.

HOLDINGS

1. *Graham* applies when a juvenile nonhomicide offender receives a term of imprisonment that effectively ensures incarceration for life or otherwise denies a meaningful opportunity for release based on demonstrated maturity and rehabilitation; the rule is not limited to sentences formally labeled life imprisonment.
2. Henry's aggregate ninety-year sentence is unconstitutional under *Graham* because it requires him to remain imprisoned until he is at least nearly ninety-five years old and does not afford a meaningful opportunity for release during his natural life based on demonstrated maturity and rehabilitation.
3. Henry must be resentenced in light of the 2014 juvenile sentencing legislation enacted by the Florida Legislature.

KEY QUOTATIONS

"Graham prohibits the state trial courts from sentencing juvenile nonhomicide offenders to prison terms that ensure these offenders will be imprisoned without obtaining a meaningful opportunity to obtain future early release during their natural lives based on their demonstrated maturity and rehabilitation." (679)

"Instead, we have determined that Graham applies to ensure that juvenile nonhomicide offenders will not be sentenced to terms of imprisonment without affording them a meaningful opportunity for early release based on a demonstration of maturity and rehabilitation." (680)

FACTUAL BACKGROUND

When he was seventeen, Leighdon Henry was convicted as an adult of multiple nonhomicide offenses, including sexual batteries involving a weapon, robbery, kidnapping, carjacking, burglary, and possession of marijuana. He received life sentences for the sexual-battery offenses and an additional sixty years for the remaining offenses. Following *Graham v. Florida*, the sentence was revised to an aggregate ninety-year term, which required imprisonment until Henry was nearly ninety-five years old.

PROCEDURAL HISTORY

Henry was tried as an adult and convicted of multiple nonhomicide offenses committed when he was seventeen. The trial court initially imposed life sentences for the sexual-battery offenses plus sixty consecutive years for the

remaining offenses. After *Graham v. Florida* was decided, the trial court granted Henry's Florida Rule of Criminal Procedure 3.800(b)(2) motion in part and resentenced him to concurrent thirty-year sentences for the sexual batteries, with the remaining sentences consecutive, for an aggregate ninety-year term. The Fifth District affirmed, holding that *Graham* did not invalidate the aggregate term-of-years sentence. The Supreme Court of Florida quashed that decision and remanded for resentencing.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The case is remanded to the sentencing court to address and revise Henry's sentence consistently with the opinion and the 2014 juvenile sentencing legislation.

CASES CITED

- *Graham v. Florida*, *Graham v. Florida*, 560 U.S. 48 (2010)
- *Roper v. Simmons*, 543 U.S. 551 (2005)
- *Miller v. Alabama*, *Miller v. Alabama*, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)
- *Thompson v. Oklahoma*, 487 U.S. 815, 108 S. Ct. 2687 (1988)
- *Atkins v. Virginia*, 536 U.S. 304, 122 S. Ct. 2242 (2002)
- *Harmelin v. Michigan*, 501 U.S. 957, 111 S. Ct. 2680 (1991)
- *Stanford v. Kentucky*, 492 U.S. 361, 109 S. Ct. 2969 (1989)
- *Crist v. Florida Association of Criminal Defense Lawyers, Inc.*, 978 So. 2d 134 (Fla. 2008)
- *Florida Department of Revenue v. City of Gainesville*, 918 So. 2d 250 (Fla. 2005)
- *Zingale v. Powell*, 885 So. 2d 277 (Fla. 2004)
- *Horsley v. State*, 160 So. 3d 393 (Fla. 2015)
- *Henry v. State*, 82 So. 3d 1084 (Fla. 5th DCA 2012)
- *Young v. State*, 110 So. 3d 931 (Fla. 2d DCA 2013)
- *Guzman v. State*, 110 So. 3d 480 (Fla. 4th DCA 2013)
- *Thomas v. State*, 78 So. 3d 644 (Fla. 1st DCA 2011)
- *Reynolds v. State*, 116 So. 3d 558 (Fla. 3d DCA 2013)
- *Floyd v. State*, 87 So. 3d 45 (Fla. 1st DCA 2012)
- *Adams v. State*, 37 Fla. L. Weekly D1865, 2012 WL 3193932 (Fla. 3d DCA Aug. 8, 2012)