

DISTRICT COURT OF APPEAL OF FLORIDA, FIFTH DISTRICT

Shannon Jeannette McMasters v. State of Florida

McMasters · No. 5D22-1040 · Decided August 12, 2022

SUMMARY

The Florida Fifth District Court of Appeal affirmed the judgments and sentences imposed after Shannon Jeannette McMasters entered negotiated nolo contendere pleas in two criminal cases. The court remanded one case for entry of an amended judgment listing the offense statute numbers for counts two and three.

CASE DETAILS

COURT	District Court of Appeal of Florida, Fifth District
WRITING FOR THE COURT	Per Curiam; Chief Judge Lambert; Judge Edwards; Judge Harris
JURISDICTION	Florida
DECIDED	August 12, 2022
DOCKET	5D22-1040
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Anders appeal from judgments and sentences entered after Appellant's negotiated nolo contendere plea in two circuit court criminal cases.
STANDARD OF REVIEW	Anders review
PRECEDENTIAL VALUE	Published Florida Fifth District Court of Appeal opinion
PARTIES	Shannon Jeannette McMasters v. State of Florida

TOPICS

- appellate procedure
- criminal procedure
- sentencing

PRACTICE AREAS

- criminal procedure
- appellate procedure
- sentencing

QUESTIONS PRESENTED

- Whether the judgments and sentences entered following Appellant's negotiated nolo contendere plea should be affirmed in an Anders appeal.

2. Whether the judgment in circuit court case number 2022-CF-000350 was required to be amended to include the offense statute numbers for counts two and three.

HOLDINGS

1. The judgments and sentences imposed by the trial court in both cases are affirmed.
2. The trial court must enter an amended judgment in case number 2022-CF-000350 including the offense statute numbers for counts two and three.

KEY QUOTATIONS

“AFFIRMED; REMANDED for entry of amended judgment consistent with opinion.” (opinion)

FACTUAL BACKGROUND

Appellant entered a negotiated nolo contendere plea in two criminal cases in the St. Johns County Circuit Court. The trial court imposed judgments and sentences. The judgment in case number 2022-CF-000350 omitted the offense statute numbers for counts two and three.

PROCEDURAL HISTORY

The Circuit Court for St. Johns County entered judgments and sentences in circuit court case numbers 2022-CF-000413 and 2022-CF-000350 following Appellant's negotiated nolo contendere plea. On Anders review, the Fifth District affirmed the judgments and sentences but remanded case number 2022-CF-000350 for entry of an amended judgment identifying the offense statute numbers for counts two and three.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court to enter an amended judgment in circuit court case number 2022-CF-000350 including the offense statute numbers for counts two and three.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Barnett v. State, 329 So. 3d 809, 811-12 (Fla. 2d DCA 2021)

OPINION

PER CURIAM.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT
NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED SHANNON JEANNETTE MCMASTERS, Appellant, v.

Case No. 5D22-1040 LT Case Nos. 2022-CF-000413 2022-CF-000350 STATE OF FLORIDA, Appellee. _____ / Opinion filed August 12, 2022 Appeal from the Circuit Court for St. Johns County, R. Lee Smith, Judge.

Matthew J. Metz, Public Defender, and Edward J. Weiss, Assistant Public Defender, Daytona Beach, for Appellant. Ashley Moody, Attorney General, Tallahassee, and Roberts J. Bradford, Jr., Assistant Attorney General, Daytona Beach, for Appellee. PER CURIAM.

In this Anders 1 appeal, we affirm the judgments and sentences imposed by the trial court in two cases below following Appellant's negotiated, nolo contendere plea. However, we remand with directions to the trial court to enter an amended judgment in circuit court case number 2022-CF-000350 to include the offense statute numbers for counts two and three. See Fla. R. Crim.

P. 3.986(b) (providing that the forms related to judgment and sentence should include the count, crime, offense statute number(s), degree of crime, case number, and OBTS number); see also *Barnett v. State*, 329 So. 3d 809, 811–12 (Fla. 2d DCA 2021) (affirming convictions and sentences in Anders appeal but remanding for the entry of a corrected judgment to include sufficient details regarding the counts, crimes, statute numbers, and degree of the crimes).

AFFIRMED; REMANDED for entry of amended judgment consistent with opinion. LAMBERT, C.J., EDWARDS and HARRIS, JJ., concur. 1 *Anders v. California*, 386 U.S. 738 (1967). 2