

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Luther v. State of Florida

No. 1D2024-0041 · No. 1D2024-0041 · Decided April 29, 2026

SUMMARY

The First District Court of Appeal held that the written sentencing order must conform to the trial court's oral pronouncement of concurrent life sentences. The court reversed in part and remanded for correction of the written order, affirming the judgment and sentence in all other respects.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Ray; Winokur; Treadwell
JURISDICTION	Florida First District Court of Appeal
DECIDED	April 29, 2026
DOCKET	1D2024-0041
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed the judgment and sentence entered by the Circuit Court for Taylor County, challenging several issues, including a conflict between the orally pronounced and written sentences.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Joseph Luther v. State of Florida

TOPICS

[sentencing](#) [appellate procedure](#) [remedies](#) [criminal procedure](#)

PRACTICE AREAS

[Criminal law](#) [Criminal procedure](#) [Appellate practice](#)

QUESTIONS PRESENTED

- Whether a written sentencing order that conflicts with the trial court's oral pronouncement must conform to the oral sentence.
- What relief is appropriate when the written sentencing order improperly states that concurrent sentences are consecutive.

HOLDINGS

- 1. A written sentencing order must conform to the orally pronounced sentence; when the two conflict, the oral pronouncement controls.

KEY QUOTATIONS

“A written sentencing order must conform to the orally pronounced sentence, and where there is conflict, the orally pronounced sentence prevails.”

FACTUAL BACKGROUND

The trial court orally pronounced concurrent life sentences for Counts I and II. The subsequent written sentencing order stated that the sentences were to be served consecutively, creating a conflict between the oral pronouncement and the written order.

PROCEDURAL HISTORY

The Circuit Court for Taylor County orally pronounced concurrent life sentences for Counts I and II, but its written sentencing order stated that the sentences were consecutive. On appeal, the State conceded the sentencing-order error. The First District Court of Appeal reversed in part and remanded for correction of the written order, affirming the judgment and sentence in all other respects.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter a written sentencing order conforming to its oral pronouncement of concurrent life sentences for Counts I and II. The judgment and sentence were affirmed in all other respects.

CASES CITED

- Ashley v. State, 850 So. 2d 1265, 1268 (Fla. 2003)
- Morris v. State, 292 So. 3d 838, 839 (Fla. 1st DCA 2020)

OPINION

Luther v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2024-0041 _____

JOSEPH LUTHER,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Taylor County. Gregory Stuart Parker, Judge. April 29, 2026 PER CURIAM. Appellant raises several issues on appeal, but we write to address only one. The trial court orally pronounced concurrent life sentences for Counts I and II, but the written order states that the sentences are to be served consecutively. The State correctly concedes error. A written sentencing order must conform to the orally pronounced sentence, and where there is conflict, the orally pronounced sentence prevails. *Ashley v. State*, 850 So. 2d 1265, 1268 (Fla. 2003); *Morris v. State*, 292 So. 3d 838, 839 (Fla. 1st DCA 2020). We therefore REVERSE IN PART and REMAND for the trial court to enter a written sentencing order in conformity with its oral pronouncement. We AFFIRM the judgment and sentence in all other respects. RAY, WINOKUR, and TREADWELL, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Jessica J. Yeary, Public Defender, and Richard M. Bracey, III, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Julian E. Markham, III, Tallahassee, for Appellee. 2