

SUPREME COURT OF FLORIDA

Marcus Roland Maye v. State of Florida

No. SC2023-1184 (Fla. May 14, 2026) · No. SC2023-1184 · Decided May 15, 2026

SUMMARY

The Supreme Court of Florida held that claims under Apprendi and its progeny, including Alleyne, are not cognizable in a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a). The court receded from Plott v. State and approved the result of the Sixth District Court of Appeal's decision on that alternative procedural basis, without reaching the constitutionality of Florida's Prison Releasee Reoffender statute.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Francis, J.; Muñoz, C.J.; Couriel, J.; Sasso, J.; Grosshans, J.; Labarga, J.
JURISDICTION	Supreme Court of Florida
DECIDED	May 15, 2026
DOCKET	SC2023-1184
DISPOSITION	approved
PROCEDURAL POSTURE	Petition for review of a Sixth District Court of Appeal decision affirming the denial of a Florida Rule of Criminal Procedure 3.800(a) motion challenging the constitutionality of a Prison Releasee Reoffender sentence under Apprendi and Alleyne.
STANDARD OF REVIEW	De novo review applies to whether a claim may be raised in a Rule 3.800(a) motion because that question is one of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida
PARTIES	Marcus Roland Maye v. State of Florida

TOPICS

- post-conviction relief
- sentencing
- criminal procedure
- appellate procedure
- sixth amendment

PRACTICE AREAS

- criminal procedure
- sentencing
- post-conviction relief
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether an Apprendi or Alleyne claim challenging a sentencing enhancement may be raised at any time through a Florida Rule of Criminal Procedure 3.800(a) motion to correct an illegal sentence.
2. Whether the Supreme Court of Florida should recede from *Plott v. State*, which held that an Apprendi claim was cognizable under Rule 3.800(a).
3. Whether the court needed to decide the facial or as-applied constitutionality of Florida's Prison Releasee Reoffender statute.

HOLDINGS

1. An Apprendi claim, including an Alleyne claim, is not cognizable as an illegal-sentence claim under Florida Rule of Criminal Procedure 3.800(a).
2. The court receded from *Plott v. State* to the extent *Plott* held that an Apprendi claim is cognizable under Rule 3.800(a).
3. The court did not reach the facial or as-applied constitutionality of the Prison Releasee Reoffender statute because the case could be resolved on the procedural Rule 3.800(a) issue.

KEY QUOTATIONS

“We approve the result of the Sixth District’s decision and hold that rule 3.800(a) is not the proper vehicle for raising a claim of error under Apprendi and its progeny, including Alleyne (“Apprendi claims”).” (at 3)

“Because Apprendi claims are subject to harmless error review, they are not the type of “illegal sentence” claim cognizable in a rule 3.800(a) motion.” (at 13)

FACTUAL BACKGROUND

Maye committed robbery with a deadly weapon in May 2002 after having been released from a state correctional facility. He received a mandatory life sentence under Florida's Prison Releasee Reoffender statute. He contended that the sentence was unconstitutional under Apprendi and Alleyne because the sentencing judge, rather than a jury beyond a reasonable doubt, determined the facts supporting the enhanced mandatory minimum.

PROCEDURAL HISTORY

Maye, serving a minimum mandatory life sentence under Florida's Prison Releasee Reoffender statute, filed a Rule 3.800(a) motion in circuit court alleging that the statute was unconstitutional because a judge, rather than a jury, made the factual finding triggering the mandatory minimum. The circuit court denied relief based on binding district court precedent, and the Sixth District affirmed. The Supreme Court of Florida approved the result on the alternative ground that Rule 3.800(a) is not a proper vehicle for Apprendi claims and receded from *Plott v. State*.

DISPOSITION

approved

CASES CITED

- *Apprendi v. New Jersey*, 530 U.S. 466 (2000)
- *Alleyne v. United States*, 570 U.S. 99 (2013)
- *Plott v. State*, 148 So. 3d 90 (Fla. 2014)
- *Maye v. State*, 368 So. 3d 531, 532 (Fla. 6th DCA 2023)
- *Simmons v. State*, 332 So. 3d 1129 (Fla. 5th DCA 2022)
- *Martinez v. State*, 211 So. 3d 989, 991-92 (Fla. 2017)
- *Wright v. State*, 911 So. 2d 81, 83-84 (Fla. 2005)
- *State v. Mancino*, 714 So. 2d 429, 433 (Fla. 1998)
- *Carter v. State*, 786 So. 2d 1173, 1176-77 (Fla. 2001)
- *Birdsong v. State*, 399 So. 3d 360, 361 (Fla. 1st DCA 2024)
- *Acosta v. State*, 103 So. 3d 234, 235-36 (Fla. 3d DCA 2012)
- *Maddox v. State*, 760 So. 2d 89, 100 n.8 (Fla. 2000)
- *Brooks v. State*, 969 So. 2d 238, 242-43 (Fla. 2007)
- *Washington v. Recuenco*, 548 U.S. 212, 222 (2006)
- *United States v. King*, 751 F.3d 1268, 1279 (11th Cir. 2014)
- *McGregor v. State*, 789 So. 2d 976, 977 (Fla. 2001)
- *State v. Poole*, 297 So. 3d 487, 507 (Fla. 2020)
- *Hopping v. State*, 708 So. 2d 263, 265 (Fla. 1998)
- *In re Holder*, 945 So. 2d 1130, 1133 (Fla. 2006)
- *Wainwright v. State*, 411 So. 3d 392, 401 (Fla.), cert. denied, 145 S. Ct. 2789 (2025)
- *Bruno v. State*, 807 So. 2d 55, 63 & n.13 (Fla. 2001)
- *Jackson v. State*, 983 So. 2d 562, 574 (Fla. 2008)
- *Erlinger v. United States*, 602 U.S. 821 (2024)
- *State v. DiGuilio*, 491 So. 2d 1129, 1135 (Fla. 1986)
- *Hicks v. State*, 422 So. 3d 607, 609-10 (Fla. 1st DCA 2025) (Winokur, J., concurring)
- *State v. Garcia*, 346 So. 3d 581, 585 (Fla. 2022)
- *Baptiste v. State*, 324 So. 3d 453, 456 (Fla. 2021)

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