

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Michael Edward Gray v. State of Florida

Gray v. State · No. 6D2024-1331 · Decided November 26, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed Michael Edward Gray's conviction and sentence. The court relied on *Avalos v. State*, concluding that any potential error under *Erlinger v. United States* would be harmless without deciding *Erlinger*'s applicability.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Traver, C.J.; Wozniak, J.; Gannam, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	November 26, 2025
DOCKET	6D2024-1331
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a criminal judgment and sentence entered by the Circuit Court for Orange County.
PRECEDENTIAL VALUE	Published
PARTIES	Michael Edward Gray v. State of Florida

TOPICS

sentencing

constitutional law

harmless error

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

- Whether the appellant's sentence was unconstitutional under the reasoning of *Erlinger v. United States*.
- Whether any assumed sentencing error was harmless.

HOLDINGS

1. Even assuming that *Erlinger v. United States* applies to the appellant's sentencing challenge, any error was harmless; therefore, the judgment and sentence were affirmed.

FACTUAL BACKGROUND

The source opinion provides no material factual narrative beyond identifying the appeal as arising from a criminal case. The court resolved the appeal by citing *Avalos v. State* and affirming without deciding the effect of *Erlinger v. United States* because any assumed error was harmless.

PROCEDURAL HISTORY

Gray appealed from the Orange County Circuit Court in case number 2023-CF-006138. The Sixth District Court of Appeal affirmed in a per curiam opinion, relying on *Avalos v. State* for the proposition that any assumed sentencing error under *Erlinger v. United States* was harmless.

DISPOSITION

affirmed

CASES CITED

- *Avalos v. State*, 419 So. 3d 2025 (Fla. 6th DCA 2025)
- *Erlinger v. United States*, 602 U.S. 821 (2024)

OPINION

Michael Edward Gray v. State of Florida

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 6D2024-1331 Lower Tribunal No. 2023-CF-006138

_____ MICHAEL EDWARD GRAY,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ Appeal from the Circuit Court for Orange County.

Vincent S. Chiu, Judge. November 26, 2025 PER CURIAM. AFFIRMED. See *Avalos v. State*, 419 So. 3d 2025 (Fla. 6th DCA 2025) (“Albert Avalos challenges his conviction for the Sale or Delivery of Cocaine. He argues his sentence . . . is unconstitutional under the United States Supreme Court’s recent decision in *Erlinger v. United States*, 602 U.S. 821 (2024). We affirm without deciding *Erlinger*’s impact . . . because, even assuming *Erlinger* applies, any error in this case is harmless.”). TRAVER, C.J., and WOZNIAK and GANNAM, JJ., concur. Blair Allen, Public Defender, and Megan Banfield, Assistant Public Defender, Bartow, for Appellant. James

Uthmeier, Attorney General, Tallahassee, and Alyssa M. Williams, Assistant Attorney General, Daytona Beach, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED

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