

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.

OPINION

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 2