

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Michael Parks v. State of Florida

No. 3D25-0313 (Fla. 3d DCA Apr. 30, 2025) · No. 3D25-0313 · Decided April 30, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the trial court’s decision in an appeal under Florida Rule of Appellate Procedure 9.141(b)(2). The court relied on precedent holding that, after revocation of a youthful offender’s probation for a substantive violation, the trial court may impose either another youthful offender sentence without a minimum mandatory term or an adult Criminal Punishment Code sentence requiring any applicable minimum mandatory term.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Fernandez; Miller; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 30, 2025
DOCKET	3D25-0313
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County.
PRECEDENTIAL VALUE	Published; precedential
PARTIES	Michael Parks v. State of Florida

TOPICS

- sentencing
- probation
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal law
- Appellate procedure
- Sentencing

QUESTIONS PRESENTED

1. Whether, after revocation of a youthful offender's probation for a substantive violation, the trial court was authorized to impose the challenged sentence.

HOLDINGS

1. The court affirmed the lower court's ruling, relying on the rule that, upon revocation of a youthful offender's probation for a substantive violation, the trial court may impose either another youthful offender sentence without a minimum mandatory term or an adult Criminal Punishment Code sentence requiring any applicable minimum mandatory term.

FACTUAL BACKGROUND

The opinion provides no factual background beyond identifying the appeal as arising under Florida Rule of Appellate Procedure 9.141(b)(2). The cited authorities indicate that the appeal concerned sentencing authority after revocation of a youthful offender's probation for a substantive violation.

PROCEDURAL HISTORY

Michael Parks appealed a ruling of the Circuit Court for Miami-Dade County in lower tribunal case F10-6731. The Third District Court of Appeal affirmed without further explanation, citing *Eustache v. State* and *Parks v. State*.

DISPOSITION

affirmed

CASES CITED

- *Eustache v. State*, 248 So. 3d 1097, 1100-01 (Fla. 2018)
- *Parks v. State*, 256 So. 3d 969, 970 (Fla. 3d DCA 2018)

OPINION

Michael Parks v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 30, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0313 Lower Tribunal No. F10-6731 _____ Michael Parks, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Miguel M. de la O, Judge. Michael Parks, in proper person. James Uthmeier, Attorney General, and Ivy R. Ginsberg, Assistant Attorney General, for appellee. Before FERNANDEZ, MILLER and GOODEN, JJ. PER CURIAM. Affirmed. See *Eustache v. State*, 248 So. 3d 1097, 1100-01 (Fla. 2018) (holding, upon revocation of a youthful offender's probation for a substantive violation, the trial court is authorized to either impose another youthful offender sentence with no minimum mandatory, or to impose an adult Criminal Punishment Code sentence, which would require imposition of any minimum mandatory term of incarceration associated with the offense of conviction); *Parks v. State*, 256 So. 3d 969, 970 (Fla. 3d DCA 2018). 2

