

**IN THE CIRCUIT COURT OF
THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

vs.

JA'ZIER ANTONIO MYERS,

Defendant.

CASE NO.: 01-2023-CF-002371-A

DCA Case No.: 1D24-2548

ORDER DENYING SECOND MOTION TO CORRECT SENTENCING ERROR

THIS CAUSE comes before the Court upon Defendant's "Second Motion to Correct Sentencing Error," filed May 1, 2025, pursuant to Florida Rule of Criminal Procedure 3.800(b)(2). Upon consideration of the motion and the record, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that:

- I. Defendant's motion is hereby **DENIED**. Defendant's claim that the Court misapprehended its sentencing authority "pertains to [a purported] error in the sentencing process, not an error in the sentence itself." *Austin v. State*, 158 So. 3d 648, 653 (Fla. 1st DCA 2014). "[A] 'sentencing error' that can be preserved under rule 3.800(b)(2) is an error in the sentence itself-not any error that might conceivably occur during a sentencing hearing." *Jackson v. State*, 983 So. 2d 562, 573 (Fla. 2008) (quoting *Jackson v. State*, 952 So. 2d 613, 616 (Fla. 2d DCA 2007) (Stringer, J., specially concurring)). "[T]he rule is intended to provide defendants with a mechanism for correcting *technical* sentencing errors promptly and thereby preserve them for appellate review." *Baxter v. State*, 127 So. 3d 726,

732 (Fla. 1st DCA 2013) (citing *Jackson v. State*, 983 So.2d at 572. “Here, no technical error is at issue, only the question of whether the process by which the trial judge arrived at the sentence imposed met due process standards[.]” *Id.* Accordingly, this claim can only “be reviewed for fundamental error” on appeal by the appellate court. *Pifer v. State*, 59 So. 3d 225, 228 (Fla. 2d DCA 2011) (citing *Jackson*, 983 So.2d at 568–69). Considering the claim on its merits, the Court did *not* misapprehend its sentencing authority. The Court was explaining that it was the intent of the legislature under section 775.087, Florida Statutes, for the sentencing court to sentence the defendant to the fullest extent of the law. *See* § 775.087(2)(d), Fla. Stat. (2022) (“It is the intent of the Legislature that offenders who actually possess, carry, display, use, threaten to use, or attempt to use firearms or destructive devices be punished to the fullest extent of the law, and the minimum terms of imprisonment imposed pursuant to this subsection shall be imposed for each qualifying felony count for which the person is convicted. The court shall impose any term of imprisonment provided for in this subsection consecutively to any other term of imprisonment imposed for any other felony offense.”). The Court was *not* indicating that it had no choice but to impose a mandatory life sentence. The Court was aware of its discretion; and, using its discretion, chose to impose a mandatory life sentence.

- II. The Clerk of Court shall supplement the record on appeal with a copy of

Defendant's motion and this Order.

DONE AND ORDERED on Friday, May 2, 2025

01-2023-CF-002371-A 05/02/2025 08:47:45 AM



James M. Colaw, Circuit Judge
01-2023-CF-002371-A 05/02/2025 08:47:45 AM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Friday, May 2, 2025.

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