

20-YEAR SENTENCE ANALYSIS -- QUICK REFERENCE

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The Sentence May Be Illegal

THE PROBLEM

Fact	Detail
Charge	Aggravated Battery, F.S. § 784.045(1)(a)
Degree	2nd Degree Felony
Standard Maximum	**15 years** (F.S. § 775.082(3)(c))
Actual Sentence	**20 years**
Gap	**5 years ABOVE** the standard maximum

*A 20-year sentence on a 2nd degree felony is ONLY legal if an enhancement was applied. If no valid enhancement exists, the sentence is **illegal** and can be corrected **at any time**.*

POSSIBLE ENHANCEMENTS THAT COULD REACH 20 YEARS

1. Habitual Felony Offender (HFO) -- F.S. § 775.084(4)(a)1

- * Enhancement for 2nd degree felony: up to **30 years**
- * **Requires**: 2+ prior felony convictions, committed within 5 years of release
- * **State must file written notice** before trial/plea
- * **CHECK**: Was HFO notice filed? Is it in the court file?
- * **ATTACK**: If no notice filed, or priors don't qualify, sentence is illegal

2. Habitual Violent Felony Offender (HVFO) -- F.S. § 775.084(4)(b)1

- * Enhancement for 2nd degree felony: up to **30 years**
- * **Requires**: Prior conviction for enumerated violent felony
- * **ATTACK**: Were priors actually "violent" felonies under the statute?

3. 10-20-Life -- F.S. § 775.087

- * Applies if firearm/weapon was used during the offense
- * 10 years minimum if firearm possessed
- * 20 years minimum if firearm discharged
- * 25-Life if someone was injured by firearm discharge
- * **CHECK**: Was a weapon/firearm alleged? Was this an Uber altercation?
- * **If NO weapon**: 10-20-Life cannot apply -> sentence may be illegal

4. Prison Releasee Reoffender (PRR) -- F.S. § 775.082(9)

- * Mandatory maximum sentence (no gain time)

- * **Requires***: New offense within 3 years of release from prison
- * For 2nd degree felony: **15 years** (not 20) -> doesn't explain 20 years
- * **ATTACK***: If PRR was applied, max is still only 15 years

5. Criminal Punishment Code Departure -- F.S. § 921.002

- * Scoresheet calculates permitted sentencing range
 - * If scoresheet supports 20 years, sentence is within "legal" range
 - * **But***: If scoresheet was miscalculated, sentence could exceed legal range
 - * **CHECK***: Get the scoresheet and verify every point
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RULE 3.800(a) -- ILLEGAL SENTENCE CORRECTION

Why This Is Powerful

- * **NO TIME LIMIT** -- can be filed at any time
- * Does not require showing attorney error (unlike 3.850)
- * Can be raised even after 3.850 deadline has passed
- * Court **MUST** correct an illegal sentence

What Makes a Sentence "Illegal"

1. Exceeds statutory maximum without valid enhancement
2. Enhancement notice not properly filed
3. Scoresheet calculation errors
4. Failure to award pre-sentence jail credit
5. Sentence not authorized by law for the offense

What to Allege

MOTION TO CORRECT ILLEGAL SENTENCE
PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.800(a)

The Defendant was sentenced to 20 years in the Florida Department of Corrections for Aggravated Battery, a second-degree felony under F.S. § 784.045(1)(a). The statutory maximum for a second-degree felony is 15 years under F.S. § 775.082(3)(c).

[OPTION A -- If no enhancement filed]:

The State did not file any enhancement notice (habitual offender, 10-20-Life, or PRR). Without a valid enhancement, the sentence exceeds the statutory maximum by 5 years and is therefore illegal.

[OPTION B -- If enhancement was improper]:

The State filed a habitual offender notice, but the Defendant's prior record does not qualify under F.S. § 775.084 because [specify: priors too old / not qualifying felonies / etc.].

[OPTION C -- If scoresheet error]:

The Criminal Punishment Code scoresheet contains errors in [specify: prior record points / victim injury points / legal status points], resulting in a permitted range that does not authorize a 20-year sentence.

INVESTIGATION CHECKLIST

- * ****Get the Judgment & Sentence**** -- Does it state an enhancement?
 - * ****Get the Sentencing Scoresheet**** -- What were the scored points?
 - * ****Get any Enhancement Notices**** -- Was HFO/HVFO/PRR/10-20-Life filed?
 - * ****Get Marquis's Prior Record**** -- Does it qualify for any enhancement?
 - * ****Get the Sentencing Transcript**** -- What did the judge say on the record?
 - * ****Verify Scoresheet Math**** -- Are prior record points correct?
 - * ****Check Jail Credit**** -- Was pre-sentence custody credited?
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CASES SUPPORTING ILLEGAL SENTENCE CLAIM

| Case | Holding |

|-----|-----|

| ****Penn v. State**** (5th DCA) | Sentence exceeding statutory max without valid enhancement is illegal -- MUST be corrected |

| ****Brooks v. State**** | HFO enhancement requires written notice BEFORE sentencing |

| ****Eutsey v. State**** | Court must make specific findings before imposing enhanced sentence |

| ****Heggs v. State**** | Scoresheet errors require resentencing |

| ****Miller v. State**** | PRR designation requires strict compliance with statutory criteria |

BOTTOM LINE

If the 20-year sentence has NO valid legal basis:

1. ****File Rule 3.800(a)**** immediately -- no time limit
2. Court must either correct the sentence to 15 years max, or
3. Hold a hearing to determine the basis for the enhancement
4. If enhancement is found invalid -> resentencing required
5. ****This could reduce the sentence by 5+ years****