

IN THE SUPREME COURT OF THE STATE OF FLORIDA

JAKARIS TAYLOR,
Petitioner,

CASE NO.: SC13-1583

vs.

DCA NO.: 4D09-4703, 4D11-4559

STATE OF FLORIDA,
Respondent.

RESPONSE TO ORDER TO SHOW CAUSE &

MOTION TO STAY PROCEEDINGS

Upon conviction by a jury, and for non-homicide crimes Mr. Taylor committed when he was a juvenile, the trial court sentenced him to eleven life sentences and two terms of time served. After the United States Supreme Court rendered its opinion in *Graham v. Florida*, 130 S.Ct. 2011 (2010), the trial court granted Mr. Taylor's motion to correct sentencing error and resentenced him to eleven sixty-year prison terms. All sentences would run concurrent and be subject to a 10-year minimum mandatory term.

In *Henry v. State*, — So. 3d —, 2015 WL 1239696, 40 Fla. L. Weekly S147 (Fla. Mar. 19, 2015), this Court held that, when sentencing a juvenile who has been convicted as an adult on non-homicide charges, the trial court must afford the juvenile a meaningful opportunity for early release:

[W]e have determined that [*Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010)] applies to ensure that juvenile nonhomicide offenders will not be

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sentenced to terms of imprisonment without affording them a meaningful opportunity for early release based on a demonstration of maturity and rehabilitation. *See [Graham, 560 U.S. at 75, 130 S.Ct. 2011]*.

In light of *Graham*, and other Supreme Court precedent, we conclude that the Eighth Amendment will not tolerate prison sentences that lack a review mechanism for evaluating this special class of offenders for demonstrable maturity and reform in the future because any term of imprisonment for a juvenile is qualitatively different than a comparable period of incarceration is for an adult. *See id.* at 70–71, 130 S.Ct. 2011[...] (other citations omitted).

This Court remanded the case for resentencing in accordance with Chapter 2014-220, Laws of Florida, codified in sections 775.082 and 921.1402, Florida Statutes. *See also Gridine v. State*, --- So. 3d ---, 2015 WL 1239504, SC12-1223 (Fla. 2015)(this Court remanded seventy-year term to sentencing court because sentence did not provide meaningful opportunity for early release).

Stay Proceedings

The State of Florida (“the state”) respectfully moves this Court to stay proceedings in the above-captioned case until 23 December 2015, the period during which the respondent may petition for writ of certiorari in the United States Supreme Court (“USSC”) in the matter of *Henry v. State*, — So. 3d —, 2015 WL 1239696, 40 Fla. L. Weekly S147 (Fla. Mar. 19, 2015) and/or *Gridine v. State*, --- So. 3d ---, 2015 WL 1239504, SC12-1223 (Fla. 2015). Respondent is preparing

its petition. Given the number of cases that could be affected by any revisions to this Court's rulings in *Henry* and *Gridine*, respondent believes a stay is necessary to promote judicial uniformity and efficiency in the treatment of these cases.

Remand

However, should this Court deny to stay proceedings, because the trial court sentenced Mr. Taylor to sixty years in prison without a review mechanism, it appears that pursuant to *Henry* and *Gridine*, this Court should affirm Mr. Taylor's sentence but remand so the trial court can include a requirement for judicial review in that sentence in accordance with sections 775.082 and 921.1402, Florida Statutes. *See, e.g., Barnes v. State*, --- So. 3d ---, 2015 WL 5611361, 40 Fla. L. Weekly D2198 (5th DCA Sep. 25, 2015).

Respectfully submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by electronic mail on 27 October 2015 to Paul E. Petillo, Esq., ppetillo@pd15.org; alefler@pd15.org; appeals@pd15.org; 421 3rd Street, West Palm Beach, Florida 33401.

/s/ NANCY JACK
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