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IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT OF FLORIDA

ROBERT R. MILLER,

Appellant,

v. **CASE NO. 1D13-5503**

STATE OF FLORIDA,

Appellee.
_____/

NOTICE TO INVOKE DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that **ROBERT R. MILLER**, Appellant, invokes the discretionary jurisdiction of the Supreme Court to review the decision of this Cout rendered December 18, 2014. The decision rendered by this Court expressly an ddir4ectly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail, by agreement of the parties, to Trisha Meggs Pate, Office of the Attorney General, at crimapptlh@myfloridalegal.com, on this date, December 18, 2014.

I CERTIFY THE ABOVE TO BE A TRUE COPY
JON S. WHEELER, CLERK
FIRST DISTRICT COURT OF APPEAL
BY: _____
DEPUTY CLERK

Respectfully submitted,

NANCY A. DANIELS
PUBLIC DEFENDER
SECOND JUDICIAL CIRCUIT

//ss// Pamela D. Presnell
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COUNSEL FOR APPELLANT

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ROBERT R. MILLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

_____/

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

CASE NO. 1D13-5503

Opinion filed December 18, 2014.

An appeal from the Circuit Court for Duval County.
Kevin A. Blazs, Judge.

Nancy A. Daniels, Public Defender, and Pamela D. Presnell, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Trisha Meggs Pate, Assistant Attorney General, Tallahassee, for Appellee.

ROBERTS, J.

The Appellant, Robert Miller, appeals his consecutive mandatory minimum sentences for kidnapping, aggravating battery, and possession of a firearm by a convicted felon. He argues that the trial court incorrectly imposed consecutive mandatory minimum sentences under section 775.087, Florida Statutes, the 10-20-Life statutes, when there was only one victim of the offenses. We reject this

argument. In accordance with Walton v. State, 106 So. 3d 522 (Fla. 1st DCA 2013), we affirm the sentencing scheme because the plain language of section 775.087(2)(d) permits the imposition of consecutive mandatory minimum sentences for multiple convictions involving only one victim where the defendant was carrying a firearm.

AFFIRMED.

MARSTILLER and SWANSON, JJ., CONCUR.

DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
2000 DRAYTON DRIVE
TALLAHASSEE, FLORIDA 32399-0950
(850) 488-6151

JON S. WHEELER
CLERK OF THE COURT

KAREN ROBERTS
CHIEF DEPUTY CLERK

1/6, 2014

Re: Robert Miller
Appeal No.: 1D 13-5503
Trial Court No.: 16-2013-CF-3125-AX
Trial Court Judge: Kevin Blazs

Dear Mr. Tomasino:

Attached is a certified copy of the Notice Invoking the Discretionary Jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

___ The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is attached.

___ The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

✓ Petitioner/Appellant has previously been determined insolvent by the circuit court or our court in the underlying case.

___ Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee was required in the underlying case in this court because it was:

___ A summary Appeal, pursuant to Rule 9.141
___ From the Unemployment Appeals Commission
___ A Habeas Corpus proceeding
___ A Juvenile case
___ Other _____

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely yours,

Jon S. Wheeler

Jon S. Wheeler
Clerk of the Court

By: R Cousseau
Deputy Clerk

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