

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

---

No. 1D20-1895

---

BRANDON JORDAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

---

On appeal from the Circuit Court for Duval County.  
Lester Bass, Judge.

November 30, 2020

ROWE, J.

Brandon Jordan appeals an order denying his postconviction motion filed under Florida Rule of Criminal Procedure 3.800(a). Jordan argues that his consecutive minimum mandatory sentences are illegal because his crimes involved one victim and a single criminal episode. Because Jordan shot the victim twice and the victim sustained multiple injuries, the trial court did not err when it denied the postconviction motion.

Following a jury trial, Jordan was convicted of second-degree murder and armed robbery. The jury found that Jordan actually possessed and discharged a firearm causing great bodily injury or death on the murder count and that he actually possessed and discharged a firearm on the armed robbery count. The trial court sentenced him under section 775.087(2), Florida Statutes (2008),

also known as the 10-20-Life statute. Jordan received life sentences in prison on both counts, with a twenty-five-year minimum mandatory term on the murder count and a twenty-year minimum mandatory term on the armed robbery count. The trial court imposed Jordan's sentences and minimum mandatory terms consecutively.

While his direct appeal was pending, Jordan filed a rule 3.800(b) motion challenging the trial court's decision to impose consecutive minimum mandatory sentences. The trial court denied Jordan's motion on the merits. And this Court affirmed his judgment and sentence on direct appeal. *Jordan v. State*, 115 So. 3d 362 (Fla. 1st DCA 2013) (unpublished table decision).

Jordan raised the identical sentencing claim in his rule 3.800(a) motion. That claim was properly denied.

First, Jordan could not raise the same sentencing claim in successive postconviction motions. *See Jenkins v. State*, 749 So. 2d 527, 528 (Fla. 1st DCA 1999). The claim Jordan raised in his rule 3.800(a) motion is identical to the claim he raised in his prior rule 3.800(b) motion. Thus, collateral estoppel applies to his claim. *See Johnson v. State*, No. 1D19-1973, 2020 WL 5509704, at \*2 (Fla. 1st DCA Sept. 12, 2020) ("Collateral estoppel applies in postconviction proceedings and precludes a party from rearguing 'the same issue argued in a prior motion' unless a manifest injustice would occur." (quoting *State v. McBride*, 848 So. 2d 287, 291 (Fla. 2003))).

Second, even if collateral estoppel did not apply, Jordan's challenge to his consecutive sentences lacks merit. In *Miller v. State*, 265 So. 3d 457, 459 (Fla. 2018), the supreme court held that the 10-20-Life statute "permits consecutive sentences at judicial discretion for specified crimes committed in a single criminal episode with either multiple victims or injuries." Here, the record shows that Jordan shot the victim twice, once in the head and once in the back. The shot to the victim's back fractured his spine and injured his spinal cord. The bullet from that gunshot also went through his aorta, his esophagus, then it fractured his clavicle and bruised his right lung before the bullet left the victim's body. As to the other gunshot, the bullet entered the victim's skull, injuring all the soft tissue of the brain and causing injury to the cardiorespiratory centers of the brain. Because the victim

sustained multiple injuries, the trial court had discretion to sentence Jordan to consecutive terms. And so, the trial court properly denied his postconviction motion.

AFFIRMED.

B.L. THOMAS and M.K. THOMAS, JJ., concur.

---

*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

---

Brandon Jordan, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.