DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

TEDDRICK MORRISON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4936

[April 16, 2008]

PER CURIAM.

The defendant appeals the summary denial of his rule 3.800(a) motion to correct illegal sentence. We reverse.

The defendant alleged that he was illegally sentenced to six years in prison in connection with three 2004 cases after violating community control. He argues that, pursuant to sections 958.04(2)(b) and 958.045(5)(c), Florida Statutes (2004), the court was limited to sentencing him to no more than 364 days because he had successfully completed boot camp. He cited a number of cases, including *Thomas v. State*, 825 So. 2d 1032 (Fla. 1st DCA 2002), in which the court held that if a youthful offender successfully completes boot camp and then violates probation, the trial court may impose a term of incarceration that does not exceed 364 days. *See* §§ 958.04(2)(b), 958.045(5)(c), Fla. Stat. (2004).

The trial court summarily denied the motion without explanation. The defendant appealed.

The State argues that the trial court correctly applied an amendment to section 958.045, which became effective on July 1, 2006. That section now provides that a youthful offender, who violates probation following successful completion of the boot camp program, may be sentenced to any sentence that could have been imposed originally. *See* Ch. 2006-270, § 1, at 2841-42, Laws of Fla.

The offenses for which the defendant was sentenced were committed

prior to the effective date of the amendment. To apply the 2006 amendment to those offenses would violate the constitutional prohibition against ex post facto laws. Art. I, § 10, Fla. Const. ("No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."). "The Ex Post Facto Clause is triggered when a law 'increases punishment beyond what was prescribed *when the crime was consummated.*'" *Meola v. Dep't of Corr.*, 732 So. 2d 1029, 1032 (Fla. 1998) (quoting *Lynce v. Mathis*, 519 U.S. 433, 441 (1997)) (italicized emphasis added in *Meola*).

When the defendant's offenses were committed, a violation of probation could result in a sentence no longer than 364 days. *Compare Windom v. State*, 835 So. 2d 1174 (Fla. 5th DCA 2002). Accordingly, we reverse and remand for further proceedings.

Reversed and Remanded.

STEVENSON, TAYLOR and MAY, JJ., concur.

* * *

Appeal of order denying 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, Judge; L.T. Case Nos. 04-17027 CF10B, 04-17120 CF10B & 04-18716 CF110A.

Teddrick Morrison, Trenton, pro se.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing