

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

DEON CORNELL GILCHRIST,

Appellant,

v.

Case No. 5D18-3545

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 24, 2020

3.800 Appeal from the Circuit Court
for Seminole County,
Melanie Chase, Judge.

Deon Cornell Gilchrist, Perry,
pro se.

Ashley Moody, Attorney General,
Tallahassee, and Allison L. Morris,
Assistant Attorney General,
Daytona Beach, for Appellee.

ON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

Deon Cornell Gilchrist appeals the partial denial of his motion to correct sentence pursuant to Florida Rule of Criminal Procedure 3.800(a). Gilchrist, who was seventeen years old at the time of his offenses, entered guilty pleas to robbery with a firearm in Seminole County Circuit Court Case Nos. 06-CF-4508-B and 06-CF-4509-B. Gilchrist

was sentenced to concurrent terms of twenty-five years in prison on both cases. In his rule 3.800(a) motion, Gilchrist argued below and on appeal that he is entitled to a full resentencing hearing and judicial review of his sentence. The trial court granted Gilchrist's motion in part, amending the sentencing documents to allow for juvenile sentence review hearings, but denied Gilchrist a new resentencing hearing.

In our original opinion, we held that it was error to modify a juvenile defendant's sentence to allow for a review hearing without also holding a resentencing hearing under sections 775.082, 921.1401 and 921.1402, Florida Statutes. Gilchrist v. State, 277 So. 3d 638, 638-39 (Fla. 5th DCA 2019). However, the Florida Supreme Court quashed that decision and remanded with directions that we reconsider the matter in light of its recent decision in Pedroza v. State, 291 So. 3d 541 (Fla. 2020). Gilchrist v. State, No. SC19-613, 2020 WL 3790417, at *1 (Fla. July 7, 2020). In Pedroza, the supreme court held that resentencing is not required for juvenile offenders who are not serving a life sentence or its functional equivalent. 291 So. 3d at 549.

Accordingly, we affirm the trial court's order amending the sentences to provide for a review hearing and denying resentencing. We also affirm the denial of relief as to the eleven-year sentence imposed in Seminole County Circuit Court Case No. 06-CF-2921-B without further discussion.

AFFIRMED.

EVANDER, C.J., ORFINGER and COHEN, JJ., concur.