

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D13-5687

MAURICE JAVON JACKSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Tatiana Salvador, Judge.

February 11, 2019

ON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

We previously affirmed appellant's sentences based on our decision in *Burns v. State*, 212 So. 3d 546 (Fla. 1st DCA 2017). However, the Florida Supreme Court quashed our decision in this case and remanded for reconsideration in light of its decision in *Miller v. State*, 43 Fla. L. Weekly S426 (Fla. Oct. 4, 2018).

In *Miller*, 43 Fla. L. Weekly S426, the supreme court held that consecutive mandatory minimum sentences for multiple firearm offenses are impermissible where there are not multiple victims or multiple injuries to a single victim and approved the decision of the Fifth District Court of Appeal in *Torres-Rios v.*

State, 205 So. 3d 883 (Fla. 5th DCA 2016). We, therefore, determine that appellant was illegally sentenced to consecutive mandatory minimum sentences for attempted murder in the second degree and possession of a firearm by a convicted felon.

We quash the consecutive mandatory minimum sentences and instruct the trial court on remand to enter an order imposing the mandatory minimums to run concurrently.

Sentencing QUASHED and REMANDED for resentencing.

WOLF, LEWIS, and ROBERTS, JJ., concur.

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

Andy Thomas, Public Defender, and Danielle Jordan, Assistant Public Defender, Tallahassee, for Appellant.

Ashley B. Moody, Attorney General, and Samuel B. Steinberg, Assistant Attorney General, Tallahassee, for Appellee.