FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-3515

CHASE C. CHANDLER,

Appellant,

v.

FLORIDA DEPARTMENT OF CORRECTIONS,

Appellee.

On appeal from the Circuit Court for Leon County.
Charles W. Dodson, Judge.

October 21, 2020

PER CURIAM.

Chase Chandler appeals the circuit court's dismissal of his petition for writ of mandamus through which Chandler sought to compel the Department of Corrections to change the structure of his multiple sentences for purposes of the calculation of Chandler's tentative release date. The circuit court deemed the petition an unauthorized collateral attack on one of the sentences, specifically the sentencing court's directive that the sentence run consecutively to another specified sentence. We affirm.

The circuit court correctly found that Chandler's challenge to the "consecutive" nature of one sentence raised "issues attacking the legality of the sentencing order itself, rather than the

Department's structuring of that sentence." The circuit court dismissed the action rather than transferring it to the sentencing court, relying on *Gill v. Jones*, 204 So. 3d 459 (Fla. 4th DCA 2016).

Even if the circuit court had construed Chandler's petition as one for mandamus relief to compel the Department to structure his sentences as directed by the sentencing court in the written sentences, the Department demonstrated in its responsive pleading and exhibits that it did so. "As part of the executive branch, DOC lacks the power to adjudicate the legality of a sentence or to add or delete sentencing conditions." *Pearson v. Moore*, 767 So. 2d 1235, 1239 (Fla. 1st DCA 2000), *approved and remanded*, 789 So. 2d 316 (Fla. 2001); *see also Sanders v. Fla. Dep't of Corr.*, 122 So. 3d 509 (Fla. 1st DCA 2013). "DOC's ministerial duty is to implement those [unambiguous] sentences as written." *Canete v. Fla. Dep't of Corr.*, 967 So. 2d 412, 416 (Fla. 1st DCA 2007). The sentencing court's directive that Chandler's 2009 VOP sentence "shall" run consecutively to the 2015 sentence required the Department to calculate Chandler's release date in the manner it did.

We are aware of our decision in *Butler v. Jones*, 225 So. 3d 923 (Fla. 1st DCA 2017), where we reversed the dismissal of a prisoner's challenge to the Department's calculation of his tentative release date under the sentences imposed. In *Butler*, the circuit court dismissed the petition for lack of jurisdiction over what the court deemed a collateral attack on the sentences. However, the circuit court's dismissal here was issued after the Department responded to the court's order to show cause. The record shows that even if the circuit court had construed Chandler's petition as seeking a writ of mandamus to compel ministerial action by the Department and then ruled on the merits, the Department's response and attached exhibits established that the Department performed its duty to calculate Chandler's tentative release date pursuant to the written sentences imposed by the sentencing court. While the trial court might have denied the writ of mandamus on the merits rather than dismissing the petition, "[a] trial court ruling that is based on improper reasoning will be upheld if there is any basis in the record to support the ruling." *Marquardt v. State*, 156 So. 3d 464, 481–82 (Fla. 2015).

The proper result was reached by the circuit court based on the record. Accordingly, the order on appeal is AFFIRMED.

RAY, C.J., and BILBREY and JAY, JJ., concur.

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

Chase C. Chandler, pro se, Appellant.

Lance Eric Neff, General Counsel, and Daniel R. Burke, Assistant General Counsel, Department of Corrections, Tallahassee, for Appellee.