

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

WYLIE BILLUPS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-3130

[June 21, 2017]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John S. Kastrenakes, Judge; L.T. Case No. 502008CF011478AXXXMB.

Wylie Billups, Okeechobee, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melynda L. Melear, Assistant Attorney General, West Palm Beach, for appellee.

**ON REMAND FROM
THE FLORIDA SUPREME COURT**

PER CURIAM.

This court previously affirmed the denial of appellant's rule 3.800(a) motion with a citation to *Walton v. State*, 106 So. 3d 522 (Fla. 1st DCA 2013), *rev. granted* 123 So. 3d 1148 (Fla. 2014). In part, his motion challenged the imposition of consecutive mandatory minimum sentences under section 775.087(2)(d), Florida Statutes (2008), the 10-20-Life statute. The Florida Supreme Court has quashed our decision and remanded for reconsideration in light of its decisions in *Walton v. State*, 208 So. 3d 60 (Fla. 2016), and *Williams v. State*, 186 So. 3d 989 (Fla. 2016). Because appellant's offenses arose from the same criminal episode and did not involve discharge of a firearm, consecutive mandatory minimum sentences were not permitted. Accordingly, we reverse and remand for resentencing consistent with the Florida Supreme Court decisions. The denial of appellant's remaining claims is affirmed.

Reversed and remanded.

CIKLIN, C.J., DAMOORGIAN and KLINGENSMITH, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.