

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-4186

WILLIAM JARVIS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Marianne L. Aho, Judge.

February 6, 2020

OPINION ON MOTION FOR REHEARING

PER CURIAM.

The Appellant's motion for rehearing is granted. We hereby withdraw our previous opinion and substitute the following opinion in its place.

In 2003, the Appellant was convicted of first-degree murder (count I), first-degree arson (count II), and two counts of placing a bomb causing injury (counts III-IV). He was sentenced to life in prison on each count, with mandatory minimum life sentences imposed on counts II through IV pursuant to section 775.087(2), Florida Statutes. The sentences in counts I and II were imposed concurrently, count III was imposed consecutively to count I, and count IV was imposed consecutively to count III. Subsequently, the

Appellant filed a motion to correct illegal sentence raising three claims, which the trial court summarily denied. We affirm the denial of his second and third claims without discussion. However, as to the Appellant's first claim, we reverse.

In the Appellant's first claim, he argued that all charges arose from a single criminal episode, during which he placed a single bomb that killed one person and injured two others. He asserted that because he committed a single act resulting in the single discharge of a bomb, his consecutive mandatory minimum sentences are illegal. In *McGouirk v. State*, 493 So. 2d 1016 (Fla. 1986), the Florida Supreme Court held that it was improper to impose consecutive mandatory minimum sentences arising from "the single criminal act of placing [a] bomb." *Id.* at 1017. Thus, the Appellant's consecutive mandatory minimum sentences in counts III and IV are illegal. We therefore reverse and remand for resentencing on these counts.

REVERSED and REMANDED.

RAY, C.J., and WOLF and ROBERTS, JJ., concur.

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

William Mallory Kent, Jacksonville, for Appellant.

Ashley Moody, Attorney General, and Amanda Stokes and Jennifer J. Moore, Assistant Attorneys General, Tallahassee, for Appellee.