This is a 3.800(a) motion to correct illegal sentence that was drawn up by the visionary of SF, a Lifer, and it is a claim that we fully believe in, and have asked attorneys and advocates about its merit. We will do everything we can to bring awareness to the fact that Florida's Life sentences are constitutionally illegal as they are the legs that mass incarceration stands on. Please note that we are not a law firm and do not practice law in anyway, but one cannot deny logic when a claim to be built around the Supreme Court of Florida conceding to the central issue. Any who wish to file it, or have an attorney look at it are free to download it, and amend it however you see fit. We would love to hear your thoughts and any assistance you can give to Society-First in bringing a true restorative justice system that gives redemptive opportunity to everyone who seeks it out is always welcomed!!!

NO LONGER WILL LIFE MEAN DEATH!!

IN THE CIRCUIT COURT FOR THE _____ JUDICIAL CIRCUIT IN AND FOR _____ COUNTY, FLORIDA

(Name of Defendant/Petitioner),

Defendant,

Vs. CASE NUMBER: _____

STATE OF FLORIDA,

Respondent.

_____/

MOTION TO CORRECT ILLEGAL SENTENCE

Comes now, Defendant _____, pro se, hereby files this Motion to Correct Illegal Sentence pursuant to Fla. R. Crim. P. 3.800(a), for this Court's Order to correct the illegal sentence imposed in the above styled manner and, in support, states as follows:

STANDARD OF REVIEW

A claim that a sentence is illegal can be asserted at any time in a proceeding under the 3.800(a) even if it could have been raised earlier, **Moore v. State**, 768 So.2d 1140, 1143 (Fla. 1st DCA 2000). As the court explained in **State v. Mancino**, 714 So.2d 429, 433 (Fla. 1998), an illegal sentence is one that "patently fails to comport with statutory or constitutional limitations."

To be entitled to relief under Rule 3.800(a), the Defendant has the burden of demonstrating illegality on the face of the record. For a sentence to be subject to correction under Rule 3.800(a), the illegality must be

revealed by the face of the record and determinable without an evidentiary hearing, **Hopping v. State**, 708 So.2d 263 (Fla. 1998).

The Defendant will show a meritorious claim that Florida's Life sentence does in fact patently fail to comport with constitutional limitations, and does violate Article 1, Section 17 of the Florida Constitution. The Defendant has a United States Constitutional Right to be protected by the guarantees of Due Process and Equal Protection of Law, and when a State violates its own State Constitution that State violates these guaranteed rights.

The United States Constitution also guarantees that Defendants are to be protected against Cruel and Unusual Punishment, and by Florida building its industrialized prison complex from a sentencing scheme that is so draconian and disparate from the societal norm that it would take more than 30 other States' total combined amount of Life Without Parole (LWOP) sentences to even come close to Florida's total (they would still fall short by a thousand), and by the Nation's standards this is cruel and unusual.

The Defendant positions that every statute within the State of Florida that prescribes a Life sentence is unconstitutional as each Life sentence violates Article 1, Section 17 of the Florida Constitution, and by not abiding by its social contract with the People of Florida it has abridged the Defendant's rights within the United States Constitution that guarantees Due Process of Law, Equal Protection, and the protection against Cruel and Unusual Punishment.

Defendant affirmatively alleges that the record demonstrates on its face an entitlement to relief, in accordance with the Oath every judiciary has sworn to obey and protect both the State of Florida and the United States Constitutions, and Florida's "Life" sentence is illegal as it patently fails to comport with the constitutional limitations in accordance with the Oath requirements of **State v. Mancino**, 714 So.2d 429 (Fla. 1998).

Under the Article 1, Section 17 of the Florida Constitution prohibition against "indefinite imprisonment" for a statute to ignore the clear dictates of the Constitution is to ignore the Supremacy Law that governs those statutes, and directly violates the due process and equal protection rights of every citizen in which that statutory law encroaches on.

1. THE DEFENDANT CHALLENGES THE CONSTITUTIONALITY OF FLORIDA'S LIFE SENTENCE AND THAT HE HAS ILLEGALLY BEEN SENTENCED TO "INDEFINITE IMPRISONMENT."

ARTICLE 1, SECTION 17 OF THE FLORIDA CONSTITUTION

"Excessive fines, cruel and unusual punishment, attainder, forfeiture of state, **indefinite imprisonment**, and unreasonable detention of witnesses **are forbidden**."

The Defendant has been illegally sentenced to "indefinite imprisonment" in direct violation of Article 1, Section 17 of the Florida Constitution, and the unconstitutionality of Florida's Life sentence gives no real meaningful opportunity to be re-acclimated back into society again. As such the Defendant claims that Florida has abridged his Constitutional right to be safeguarded from the excessive punishment of indefinite imprisonment by passing illegal legislative law that violates its own Constitution, otherwise known as the Supremacy Law of the Land.

By Florida sentencing offenders to "indefinite" terms of imprisonment under unconstitutional "Life" sentences, it violates Article 1, Section 17 of the Florida Constitution, and thus has violated the Constitution of the United States of America; specifically, the guarantees to be protected by the 5th Amendment (Due Process), 14th Amendment (Equal Protection), and 8th Amendment (Cruel and Unusual Punishment).

> ***The Supreme Court of Florida, in civil matters, has interpreted "indefinite confinement" to mean "being placed in confinement for the rest of one's life;" can only mean that "indefinite imprisonment" the very same thing, "...being placed in prison for the rest of one's life," which contravenes Article 1, Section 17 of the Florida Constitution.***

Pointedly, as the Honorable Supreme Court Chief Justice Arthur J. England Jr so righteously declared in his dictum in ***Alvarez*** at 14, ***"...moreover, if the net effect of a penal statute is to provide an indefinite term of imprisonment, the law is at odds with Article 1, Section 17 of our Florida Constitution."***

Florida is not merely the Nation's, but also the world's leader (per capita) in sentencing its citizens to die in prison under Life Without Parole (LWOP) sentences. The fact that a Life sentence is the equivalent of a death sentence is especially excessive for the least culpable of our society (i.e., an 18 year old adolescent

could spend 60-70 years incarcerated, while those sentenced to Death are incarcerated generally for only 15-20 years).

Distinguishably, both will die in prison, yet one knows the nature and approximate time of their death, while the other traverses hopelessly through decades of extreme violence, hatred, and all-around negativity that gives no option of rehabilitation, simply just awaiting for death to find them (in whatever manner it comes).

Ever since 1885, such asinine logic has been forbidden by the People of Florida, as the they chose to stand up against the attempt of former slave owners to circumvent the abolishment of slavery by re-establishing slavery through the penal system as indefinite imprisonment was the "Masters" way to use the penal system to set things "right" by bringing their way of life back (profiting off of human life). They began arresting and sentencing the now ex-slaves to Life sentences, and then leasing them out to be worked not as slaves but as "criminals."

Indefinite imprisonment was always meant to be **indefinite profit** for all those who invest in it.[1] Sadly, somehow the Will of the People has been silenced and pushed under a rug for almost 150 years, and this is what is to be addressed today.

PLAIN LANGUAGE AND RULE OF LENITY

[1] The Alabama Courts even acknowledged this fact in **Lynch v. State**, 2011 U.S. Dist. Lexis 155012 (834), "The Convict Leasing System ... with land all but immune from taxation at amounts even remotely approaching fair and reasonable market values, it became necessary for the State to explore other revenue streams. An ingenious solution was found in the convict leasing system. A string of Governors closely allied with Big Mule financial and industrial interests and compliant State legislators turned the State penal system into a source of revenue that not only covered the costs of building and maintaining prisons, but also generated sufficient surplus revenues to fund other aspects of State government. Convicts were "rented out" to work on plantations, in coal mines, on railroads, in steal mills, and other industries... As a form of revenue generated from the blood, toil, sweat, and tears of involuntary black laborers, however, the convict lease system was in reality a re-invention of slavery, and a re-institution of the Antebellum slave tax."

When the Court is interpreting statutory law it must use "Plain Language," and the Rule of Lenity mandates that upon a word holding dual meaning the Courts must interpret by using the meaning/definition that favors the accused. The two definitions of the word "indefinite" in this case are:

1. An unlimited amount of time or measure, and
2. Something that is undefined or ambiguous.

In America, the context of "Plain Language" for the word "indefinite" most often is interpreted to mean "unlimited amount of time" (see, Oxford American Large Print Dictionary, 628, Oxford University Press, 2008; Webster's 3rd New International Dictionary of the English Language Unabridged, 1147, Merriam-Webster Inc. Publishing, 1993), and the Court's attempt to skirt the issue of finding Life sentences unconstitutional by using the secondary meaning of "indefinite" and stating, "Life is definite enough to explain how long one has in prison" (until they die) is erroneous, and if not corrected will create a manifest injustice.

It is not ***mortality*** that was forbidden, but ***indefinite imprisonment*** or otherwise known as "***being placed in prison for the rest of your life***" that was forbidden. In Florida the Supreme Court of Florida clearly interpreted "***indefinite confinement***" under civil law to mean "***being placed in confinement for the rest of one's life***," and yet attempts to change their own interpretation when they switch over to criminal law.

"Clearly, an involuntary civil commitment resulting in an individual's confinement for an indeterminate, and potentially indefinite, period of time presents the sort of massive curtailment of liberty interests with which we were concerned in Pullen." **Williams v. State**, 889 So.2d 804, 806 (Fla. 2004), quoting **Pullen v. State**, 802 So.2d 1113 (Fla. 2001), and again in **Manning v. State**, 913 So.2d 37 (Fla. 2005).

A practice that the Court itself has acknowledged is draconian, "If the jury determines that there is a 51% chance that the defendant will again commit burglary or some other crime, he must remain in a hospital **indefinitely.** Draconian perhaps, but it might well solve a major portion of our criminal problems in Florida." The only problem with this irrational logic is that in over 30+ years of "Tough On Crime" policies that has relied on such logic, the criminal problems have not digressed at all and the recidivism rates are approximately the same as they were 30+ years ago.

By its own admission, the Supreme Court of Florida has conceded to the Defendant's claim that Florida's Life sentences are indefinite imprisonment by interpreting "indefinite confinement" to mean "being placed in confinement for the rest of your life," and the acknowledgement that there is more than one definition to choose from invokes the Rule of Lenity and mandates that the Supreme Court of Florida use in its interpretation that which favors the accused (which is "being placed in prison for the rest of one's life" is forbidden).

The term "indefinite confinement" runs absolutely ***parallel*** with "indefinite imprisonment" and is a mirror image of each other, and thus the Court must interpret the terms not only the same, but also in favor of the accused when dealing with the statutory law of prescribing Life sentences.

JUDICIAL ESTOPPEL

Apart from the Plain Language doctrine, by the Supreme Court of Florida defining "indefinite" in this manner judicial estoppel prevents it from changing positions in interpretation, as it would make a mockery of a justice system that is to uphold what is just and good with the highest of standards.

Judicial Estoppel prohibits a Court from changing positions simply whenever it suits their fancy, and just because it is being used in the civil law context, it is still the same Court making two very different interpretations when using the word "indefinite." Lastly, and perhaps most importantly, the Court must use the interpretation that favors the accused as per the Rule of Lenity.

CONJUNCTIVELY SPEAKING

Furthermore, as Article 1, Section 17 entitled "Excessive Punishments" automatically disqualifies the former as the word "Excessive" ***ONLY WORKS CONJUNCTIVELY*** with the first definition of the word "indefinite."

The Supreme Court of Florida has denied the claim that "Life" amounts to "indefinite imprisonment" by stating that "Life was defining enough," but this absolutely misses the mark:

Plain Language uses the first definition of the word indefinite as the common usage (unlimited amount of time and measure), also there are no different levels to something being ambiguous or undefined, thus eliminating the second definition (undefined/ambiguous) from the discussion of being conjunctive with the

word “Excessive.” Either something is defined or it is not defined, and as there are no levels of the word “undefined” or “ambiguous “ it is clear that the only definition to be considered for Article 1 Section 17 of the Florida Constitution is the first definition.

To be “undefined” is a black and white issue; either it is defined or it is not defined, and does not have different levels of excessiveness. As such it is clear that the word "indefinite" under "Excessive Punishment" can only mean one thing, and that is the first definition “being placed in prison for the rest of one's life is forbidden.”

INDETERMINATE SENTENCING

Courts have also erroneously determined that a Life sentence is not an “**indefinite sentence**”, but an “**indeterminate sentence**.” These two sentences are distinct in their differences: 1.) An indeterminate sentence deals with the vagueness or inability to determine, while 2.) an indefinite sentence deals with an unlimited, or infinite amount of time.

In **Carnley v. Cochran**, 118 So.2d 629, 632-633 (Fla. 1960), the Supreme Court clearly explains that an indeterminate sentence has 2 prongs. Without one of these prongs, it would no longer be an indeterminate sentence:

1. Prong One: “deterrence from crime,” and
2. Prong Two: “…rehabilitation to the point of offering him every chance to re-establish himself as a useful member of society.”

As Florida’s Life Sentence only meets the first prong it has no such offer, and thus it is not an indeterminate sentence, but an illegal indefinite sentence.

Additionally, the parole system of 1983 fails in its delivery as close to 4,000 Lifers who are still under that old system do not even qualify for an indeterminate sentence as the courts have acknowledged that Florida’s old ineffective parole system does not offer any true, meaningful opportunity of release.

The fact remains, no matter what the Defendant’s rehabilitative intentions establish, his release date under a life sentence will never move from its non-existing date of 99/98/9999.[2]

[2] Upon Society-First publishing this fact on their website at society-first.com the FDC changed the release date on all Lifers’ inmate gaintime sheets to read “Not Applicable,” rather than the “99/98/9999” that it had always said previously, further validating the claim of any rehabilitative growth being “Not Applicable.” Such collaboration from

MERITORIOUS CLAIM

The merit of the Defendant's claim is prima facie as the Supreme Court itself has conceded to the interpretation of "indefinite," and to not rule in the Accused's favor would seriously damage the integrity of America's judicial system, and would suggest to the world that America's judiciaries do not have to obey or protect their own Constitution, and can whimsically choose what words mean to suit their own agenda. Shall we announce to the world that the leader in democracy, the United States of America, wishes to admit what they have been preaching to the world is just a big illusion.

Again, as the Honorable Supreme Court Chief Justice Arthur J. England Jr. so pointedly and righteously declared in his dictum in Alvarez at 14, "***...moreover, if the net effect of a penal statute is to provide an indefinite term of imprisonment, the law is at odds with Article 1, Section 17 of our Florida Constitution.***"

The premise of an indefinite Life sentence was to unconstitutionally sentence a person to indentured servitude for the rest of his/her life. There is no consideration for rehabilitation or availability to re-enter society for a person who has clearly shown change, growth, and development to the degree that they would be an asset to any community within our society.

The Defendant challenges the constitutionality of Florida's Life sentence(s) and that (s)he has illegally been sentenced to, along with every other statute that prescribes a Life sentence as the People of Florida long ago forbade "indefinite imprisonment."

In **Marbury v. Madison**, 5 U.S. 137 (1803) the U.S. Supreme Court states, "It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or that the legislature may alter the constitution by an ordinary act."

Between these alternatives there is no middle ground: The Constitution is either a superior paramount law, unchangeable by ordinary means; or it is on a level with ordinary legislative acts, and like other acts, is alterable whenever the legislature shall please to alter it.

State entities should call for society to bring into question the undercurrent of motive of those who are governing such allowances.

If the former part of the alternative be true, then a legislative act contrary to the constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the People, to limit a power in its own nature illimitable.

Though the United States Constitution gives the individual States the power to govern themselves, they must stay within the confines of the United States Constitution, and part of those confines is to have their own Constitution they ***must*** obey that Constitution as it is the Will of the People. To ignore their own Constitution would be to violate the Federal Constitution's guarantees of Due Process and Equal Protection of Law.

REQUESTING THE COURT TAKE JUDICIAL NOTICE

The sanctity of the Will of the People cannot be forfeited to the ever changing interpretation of a State's legislative branch. It is indicative that whatever is written in the Constitution (State or Federal) must be abide by; for when we start ignoring parts of this governing contract[3] is when the People lose power to govern, and therein, is when democracy will cease to exist.

In challenging the constitutionality of a State statute, a Court has jurisdiction to question, and it can exercise supplemental jurisdiction over the State law. The Defendant contends that the prohibition under Article 1, Section 17 of Florida's Constitution entitled "Excessive Punishment" establishes that ***every*** State

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[3] INDENTURED SERVITUDE IN 1865 AND THE INCORPORATION OF THE FLORIDA DEPARTMENT OF CORRECTIONS IN 1868

After the abolishment of slavery in 1863 the old plantation owners or "masters" literally created a new subhuman race called the "inmate" in 1865 with the 13th Amendment's provision for indentured servitude. In 1868 Florida incorporated a new company known today as the Florida Department of Corrections, and the new way of life began. A new slave market was created, but rather than cropholders this new system would be about shareholders.

Any judge who profits off of giving out unconstitutional Life sentences should ask themselves how different are they than the slave masters of old as it is a modern way to profit off of human life. What better way to ensure one's profit margin and longevity, than to create a system that guarantees "Life" long profits and security. This is not even considering the culminating effect of the self-economic gains that the endless line of fatherless children (70% more likely to come to prison) guarantees those who invest in the criminal justice system.

It is worthy to note: All criminal structures statutes are revenue statutes, §960.293 F.S., "a conviction for a 1st degree felony $250,000, 2nd degree felony $15,000, and 3rd degree felony $10,000 cost of incarceration is charged to the defendant. The municipality that issues these conviction charges/fees submits the bond to the Federal Reserve Bank and will direct deposit it in the municipality's account.

statute that gives an indefinite term of imprisonment (Life sentence) is violative of the 5th, 14th, and 8th Amendments of the Constitution of the United States of America, and must be repealed and replaced by a constitutionally legal sentence.

CORRECT ILLEGAL SENTENCE

The Supreme Court has acknowledged that a statute being found unconstitutional (whether State or Federal) violated the United States constitutional rights to Due Process of Law, and any time a defendant has a substantial and legitimate expectation that he will be deprived of his/her liberty a Court must exercise its constitutional discretion to obey the dictates of both State and Federal Constitutions. As such the citizens of the State of Florida have a constitutional right to be safeguarded from "indefinite imprisonment," and such an arbitrary disregard of a defendant's right to this liberty interest is a denial of Due Process of Law.

The Petitioner states that the provisions in the Florida statutes that prescribes a Life sentence (whether that is LWOP or LWP sentence as the Supreme Court has already declared Florida's old parole system does not give meaningful opportunity for release, and thus, is "indefinite imprisonment") are unconstitutional, and patently fails to comport with oath requirements of the Constitution (which every judiciary has taken an oath to obey and protect).

It is indisputable that any state statute exceeding the constitutional maximum allowed by law is cognizable under a Fla. R. Crim. P. 3.800(a) Motion to Correct Illegal Sentence, and can be ruled on at any time as it is a fatal error on the face of the record, and must be ruled on de novo.

When a state statute violates a provision or prohibition within that state's constitution, then the essential requirements of law mandates that the statutory law must be found unconstitutional and stricken from the law books.

THE PREMISE IS TO CREATE INDEFINITE IMPRISONMENT THROUGH LIFE SENTENCES

The premise of an indefinite life sentence was to unconstitutionally sentence a person to indentured servitude for the rest of his/her life. There is no consideration for rehabilitation or availability to re-enter society for a person who has clearly shown change, growth, and development to the degree that (s)he would be an asset to any community within our society.

The Supreme Court in **Ratliff v. State**, 914 So. 2d 938 (Fla. 2005), erroneously found that: “Although no person can predict the maximum length of time which can be served by a prisoner under a sentence of life, this in itself does not render a Life sentence impermissibly indefinite.”

(Please note: The same Supreme Court of Florida distinctly acknowledges that "being placed in confinement for the rest of your life is indefinite confinement," so it goes without saying that "being placed in prison for the rest of your life is indefinite imprisonment.")

The Ratliff Court relied on **Alvarez v. State**, 626 So.2d 256-266 (2 DCA 1993), and ruled that “Although in **Alverez** we addressed under Article 1, Section 17 of the Florida Constitution a sentence that involved a term of years and not a Life sentence, the reasoning underlying our decision in Alvarez is equally applicable to a Life sentence.”

It further explains that just because someone will die in prison does not make a sentence indefinite; this is, of course, negating the fact that “life expectancy” ***is not*** **what is forbidden.**

THE RATLIFF COURT ERRONEOUSLY RULED

Under Ratliff’s erroneous rationale, "Indefinite Imprisonment" is to be interpreted as "Vague Imprisonment" (or more precisely "undefined imprisonment"), rather than "being placed in prison for an indefinite/infinite amount of time." This is a point that misses the mark and fails to answer whether Florida’s Life sentences are constitutionally illegal.

Article 1, Section 17 of the Florida Constitution addressed "Excessive Punishment", and the word excessive means "too much, or too great an amount." The word "Excessive" expresses a level of time or measure, but in no way does it express "vagueness." Either vagueness exists or does not exist. And to top this point off, by law, there can be no vagueness or ambiguity of any amount, so "excessive vagueness" holds no weight.

On another note, the word "indefinite" means vague or for an unlimited period, and the combination of excessive and indefinite is conjunctive in nature and clears up any misunderstanding that would have existed had “indefinite” stood alone without “excessive.”

It is simple logic, when one combines "***Excessive Punishment***" with the words "***Indefinite Imprisonment is Forbidden***", it can be construed as having only one meaning, "Being placed in prison for an indefinite amount of time is forbidden."

RATLIFF'S RATIONALE DOES NOT APPLY TO "LIFE" OR "INDEFINITE"

In **Carnley**, the Supreme Court explained that an indeterminate sentence is not subject to the infirmity of indefiniteness, thus the **Carnley** Court is at odds with the **Ratliff** Court as Life is subject to the infirmity of indefiniteness.

Under **Ratliff's** rationale "indeterminate" sentence would be the topic of discussion, not indefinite; which is not what the Defendant is arguing when it comes to the point of whether "Life" means "being placed in prison for the rest of your life," and if so then does it not violate Article 1, Section 17 of the Florida Constitution?

In this instance, we are dealing with a black and white situation where no gray area exists. Simply put, if a Florida "Life sentence" does not meet both prongs, then it is not an indeterminate sentence, but rather a determinate sentence that is illegally indefinite and forbidden.

Closing our eyes to such clear unconstitutionality is to strip the Constitution of its power to govern our laws, and in so doing, it manipulates not only the letter of the law but the spirit of the law also.

STATE OF FLORIDA'S ADMISSION

In **Robert v. State**, 821 So.2d 1144 (Fla. 3rdDCA 2001) the court found, "...to retain jurisdiction over one-third of his life sentence because a life sentence is indefinite, making one-third indeterminable. The Appellee State of Florida concedes to this argument" ... and we agree.

In **Kosek v. State**, 448 So.2D 57,58 (Fla.5th DCA 1984) the court also found, "Six one-hundred-year sentences are definite. The same cannot be said about a life sentence."

Florida Administrative Code 33-608, 402(1)(a)5 stated, "If serving a sentence with no definite term, that is a life sentence."

This interpretation aligns with The United States 11th Circuit which defined **Life imprisonment** to be: ***"And the meaning of life imprisonment is clear: "Confinement of a person in prison for the remaining years of his or her natural life."*** *Life Imprisonment, Black's Law Dictionary (11th ed. 2019). And to be identified as,* ***"...INDEFINITE INCARCERATION."*** (emphasis added).

In **United States vs. Kyle Adam Kirby,** Case: 18-11253 Date Filed: 09/17/2019 the U.S. 11th Circuit Court of Appeal gave a definitive definition to what a **Life** sentence is, establishing even further prima facie evidence against the erroneous ruling in **Ratliff**. The Higher Court distinctly describes how the United States Supreme Court recognizes Life sentences as being placed in prison for an ***"indefinite duration,"*** as the recipient is ***"placed in prison for the remainder of one's life,"*** and finally, **Life** sentences are identified as ***"indefinite incarceration,"*** which is **indefinite imprisonment,** which in Florida is **forbidden.**

The 11th Circuit goes on to state, ***"The Supreme Court has described a life sentence as the "second most severe [punishment] known to the law,"*** **Harmelin vs. Michigan,** ***501 U.S. 957, 996, 111 S.Ct. 2680 (1991), and we cannot accept Kirby's invitation to hold that a 1440-month sentence is worse. We instead conclude that when the Sentencing Guidelines recommend life imprisonment, they mean life imprisonment. Accordingly, the district court did not err procedurally when it calculated Kirby's guidelines sentence as close to indefinite incarceration as the law allowed."***

The assertion that **Life imprisonment** can be deemed constitutionally permissible under Florida law is fundamentally flawed when analyzed through the lens of established legal precedent (Rule of Lenity and Plain Language) and constitutional protections (due process and equal protection due to violating Article 1, Section 17 of the Florida Constitution). The Eleventh Circuit's pronouncement in **Kirby** serves as a pivotal cornerstone of this argument, where it is unequivocally stated that ***"a Life sentence amounts to indefinite incarceration."***

This critical recognition underlines the inherent indefiniteness of **Life** sentences, which should render them constitutionally impermissible according to the clear and unequivocal language of Article I, Section 17 of the Florida Constitution, which prohibits ***"indefinite imprisonment."***

The definition provided in **Kirby**—that **Life imprisonment** equates to ***"confinement of a person in prison for the remaining years of his or her natural life"***—reveals that **Life** sentences, by their very nature, are **indefinite imprisonment**.

In stark contrast, the lower court's reliance on **Ratliff v. State** is misplaced and fails to account for the vital constitutional context in which the prohibition against **indefinite imprisonment** operates. While **Ratliff** asserts that Life sentences are sufficiently definite, this interpretation is not only misaligned with the ***plain language*** of Section 17, but also resistant to the ***underlying principle that penal statutes must be strictly construed in favor of the accused***. This principle is rooted in the very fabric of our justice system, which aims to protect individuals against the uncertainties of misleading penal provisions.

"The district court correctly interpreted the Guidelines. "[T]he language of the Sentencing Guidelines, like the language of a statute, must be given its plain and ordinary meaning." **United States v. Whatley,** 719 F.3d 1206, 1222 (11th Cir. 2013) (internal quotation marks omitted). And the meaning of **Life imprisonment** is clear: "***Confinement of a person in prison for the remaining years of his or her natural life."***

Because Florida statutes are governed by legislative intent and administrative codes are governed by those statutes, it is abundantly clear that the intent was indefinite legislative imprisonment, when they established the Life sentence.

COURTS HAS A DUTY TO STRIKE

The courts have the power and duty to strike down an action of the legislature, if provisions of an act violate some expressed or implied constitutional inhibitions (**Halley v. Adams,** 238 So2d 401 Fla.1970). It is not the Constitution's duty to uphold legislative intent, but legislative intent to uphold the Constitution.

Once again, as Honorable Supreme Court Chief Justice Arthur J. England Jr. stated, ***"...moreover if the net effect of a penal statute is to provide an indefinite term of imprisonment, the law is at odds with Article 1, Section 17 of the Florida Constitution."***

It is indisputable that the law is at odds with Article 1, Section 17 of the Florida Constitution, and by combining excessive punishment with indefinite imprisonment and forbidden, the only interpretation that can be made is that being placed in prison for the rest of your natural life is forbidden.

"Certainly... the judicial system itself must follow and obey the law, and not impose an illegal sentence, and when one is discovered, the system should willingly remedy it. The purpose of all criminal justice rules, practices, and procedures is to secure a just determination in every case in accordance with substantiative

law." See, **Hayes v. State**, 598 So.2d 135 (5 DCA 1992), citing **Greenhalgh v. State**, 582 So.2d 107 (2 DCA 1991).

IN CONCLUSION

Upon finding the Defendant's claim meritorious the Defendant request that (s)he be resentenced under a term that does not violate the Supremacy Law of Article 1, Section 17 of the Florida Constitution, and that all Life sentences within Florida that prescribes an indefinite term of years be deemed illegal and repealed from Florida law. That if necessary a Special Master be assigned to mediate a resolution to the elimination of all Life sentences, and replace the indefinite term with either: a set term of years to replace the illegal indefinite term of years under Florida's Life sentences, or a new meaningful parole system that guarantees parole for all who become proven products of change.

Respectfully submitted,

/S/_____

CERTIFICATE OF SERVICE

The Defendant certifies that a true and correct copy of the forgoing 3.800(a) Motion to Correct Illegal Sentence has been placed in institutional official's hands for mailing on this _____ day of _____, 2025 via U.S. Postal service to:

Respectfully submitted,

/S/_____

Endnotes of the Historical Background of "Indefinite Imprisonment being Forbidden"

[4]

[5]

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[4] History clearly tells the story of why the People of Florida chose to add "indefinite imprisonment is forbidden" to the Florida Constitution in 1885, and it is undeniable that it was due to the attempts to undermine the Will of the People in abolishing slavery.

It was the "master's" way to re-establish slavery back into the social fabric of society through the penal system. They began arresting and sentencing the now ex-slaves to Life sentences, and then leasing them out to be worked not as "slaves" but as "criminals."

The phenomenal shift that the Willy Lynch letter "The Making of a Slave" so candidly pointed out that the slaves would make was, essentially, the tactic that the "masters" would use... This phenomenal shift took it from being about cropholders to being about share holders, and thus, in came Indentured Servitude in 1865, and the incorporation of a new company called the Florida Department of Corrections in 1868.

It was only 2 years after slavery was abolished when the masters began ensuring their way of life by leasing "Lifers" out under the manipulative law of the 13th Amendment and Indentured Servitude. Three years later, they would implement another significant estate within their phenomenal shift by incorporating the Florida Department of Corrections in 1868.

The historical backdrop is essential in understanding how in the late 1800s many judges (who were often ex-plantation owners) held financial interests in the criminal justice system, and the important question is whether that practice is still alive in today's criminal justice system. The motive on why today's judges ignore such clear Constitutional prohibition needs to be identified to ensure the very integrity of America's criminal judicial system is not simply a hood that covers the true identity of these illegal Life sentences.

[5] **SLAVERY, THE FACE BENEATH THE MASK OF FLORIDA'S LIFE SENTENCE**

In 1866, during Florida's first post-war state government, the legislature passed harsh discriminatory laws directed against blacks. These so-called Black Codes represented an attempt by former slave owners, including Florida Governor David S. Walker, who had been a slave owner and a Whig who served on both the Florida General Assembly and the Florida State Supreme Court where these prejudicial laws were put in place. The goal was to reinstate the slave market in the Florida system.

The theory of white supremacy would permeate statutory and constitutional law. By 1867, a series of Jim Crow laws that had been enacted would ensure that blacks would be subjugated to a status suggestive of social if not complete, legal and physical bondage.

Three north Florida ex-slave holders (C.H. Dupont, A.J. Peeler, a d M.D. Papy) were appointed to the Interim Committee on Freedman's Affairs, where they prefaced their report to the General Assembly with a characterization of slavery as a benevolent institution. They defined it as the happiest and best design for a laboring population and desired to preserve as much as possible the good qualities of slavery.

In 1868, the legislature authorized the Commissioner of Public Institutions to lease prisoners at their discretion; ironically, it was also the year that the Florida Department of Corrections was established. In 1869, the Freedman's Bureau referred 20 elderly and destitute negros to help at the governor's office, they were moved to Chattahoochee Prison to serve for the rest of their lives. This was a common practice, and it was believed that the lucky ones were beaten and sent to prison for the rest of their lives, while the unlucky ones were hanged.

In 1870, Governor Reed urged more prisoners to be leased, and many of the blacks going before white southern judges received indefinite sentences to spend the rest of their lives in prison, life sentences, or indefinite imprisonment. The white aristocratic society wanted their slaves back and could only do this by manipulating the law.

The supremacy ideology was at risk of being stripped of its identity by the negros becoming free. The life of the upper class was ending as they knew it. They would have to till their ground and spend money on what used to be free labor, and they would have to find a way to keep what they had. They would bring slavery band under the guise of life sentences. It wasn't until 1885 that the righteous framers of the Florida Constitution attempt to curtail this egregious wrong by amending three evils:

a) Involuntary servitude/slavery without being duly convicted

b) Indefinite imprisonment

c) No fixed penalties for crimes that could distinguish the difference between felonies and misdemeanors.

Ever since 1885, Florida's Constitution has banned indefinite imprisonment, and going against our constitution would be unlawful. A point expressed by the Florida District Court, "Certainly…the judicial system itself must follow and obey the law." **Hayes v. States**, 6989 So.,2d 377, 378 (Fla. 1 DCA 1977).