

Third District Court of Appeal

State of Florida

Opinion filed August 26, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D23-0292
Lower Tribunal No. F97-11753

Curry Lamont Hawkins,
Appellant,

vs.

State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from
the Circuit Court for Miami-Dade County, William Altfield, Judge.

Daniel J. Tibbitt, P.A., and Daniel J. Tibbitt, for appellant.

James Uthmeier, Attorney General, and Linda Katz, Assistant Attorney
General, for appellee.

Before SCALES, C.J., and MILLER and REBULL, JJ.

PER CURIAM.

Curry Lamont Hawkins appeals the trial court's March 4, 2025 order ("Order") granting in part, and denying in part, Hawkins's motion to correct sentencing errors, filed below under Florida Rule of Criminal Procedure 3.800(b).¹ Hawkins challenges only that aspect of the Order denying his rule 3.800(b) motion's claims that he is entitled to be resentenced on his conviction for armed robbery. According to Hawkins, he is entitled to relief because the life sentence imposed for armed robbery purportedly resulted from the trial court, rather than a jury, finding that Hawkins qualified as a habitual felony offender, in violation of Erlinger v. United States, 602 U.S. 821 (2024) and/or because his armed robbery sentence was part of a multi-count sentencing package with other crimes that were properly resentenced in the Order.² We disagree with Hawkins on both grounds and affirm.³

¹ Hawkins directed his rule 3.800(b) motion at a January 9, 2023 postconviction order that vacated Hawkins's life sentences for attempted first-degree murder and burglary with assault or battery because the sentences were improperly enhanced to life felonies under the then-applicable habitual felony offender statute, but still resentenced Hawkins to life sentences for the crimes. See Perry v. State, 849 So. 2d 324, 325 (Fla. 2d DCA 2003) (recognizing that "rule 3.800(b) could apply to a new sentence imposed as the result of an order granting postconviction relief").

² In the Order, the trial court reduced Hawkins's life sentences for attempted first-degree murder and burglary with assault or battery while armed to guidelines sentences of twenty-two years in prison for each crime.

³ To the extent that Hawkins now argues he is entitled to relief on another basis, we decline to address such basis because Hawkins failed to raise it in

We affirm the denial of Hawkins’s Erlinger claim because Erlinger is not retroactive to a sentence that was already final at the time Erlinger issued. See Wainwright v. State, 411 So. 3d 392, 399 (Fla. 2025). We affirm the denial of Hawkins’s multi-count sentencing package argument because, as Hawkins properly and commendably concedes, we are bound by this Court’s decision in Reynolds v. State, 116 So. 3d 558 (Fla. 3d DCA 2013), that squarely rejected a similar sentencing package argument. See also Phillips v. State, 416 So. 3d 336, 339-40, 345 (Fla. 2d DCA 2022), rev. granted, SC2023-0073 (Fla. July 25, 2024) (citing Reynolds with approval and rejecting a similar multi-count sentencing package argument, and certifying a question of great public importance to the Florida Supreme Court with respect to the sentencing argument that is currently pending review).

Affirmed.

his rule 3.800(b) motion. See Fla. R. Crim. P. 3.800(b) (“The motion must identify the error with specificity and provide a proposed correction.”).