

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case Nos. 5D2025-1781
5D2025-1810
LT Case No. 05-2023-CF-12391-A

STATE OF FLORIDA,

Appellant/Cross-Appellee,

v.

MICHAEL ADAM DAVIS,

Appellee/Cross-Appellant.

On appeal from the Circuit Court for Brevard County.
Charles G. Crawford, Judge.

James Uthmeier, Attorney General, Tallahassee, and Deborah A.
Chance, Assistant Attorney General, Daytona Beach, for
Appellant/Cross-Appellee.

Matthew J. Metz, Public Defender, and Joseph R. Chloupek,
Assistant Public Defender, Daytona Beach, for Appellee/Cross-
Appellant.

June 26, 2026

PER CURIAM.

Michael Adam Davis—a twenty-five-time convicted felon—
was found guilty by a jury of his peers of aggravated battery, a
second degree felony. Immediately upon returning this verdict, the

jury received evidence and argument addressing the bifurcated question of whether Davis was a prison releasee reoffender under section 775.082(9), Florida Statutes (2022). The jury determined he was. Later, concluding the evidence presented to the jury was insufficient to support their verdict finding Davis a prison releasee reoffender, the trial judge announced he was “setting aside the jury’s decision of PRR.”¹

The State appeals the trial court’s decision.² We conclude the trial court erred in its determination that the evidence was insufficient to find Davis a prison releasee reoffender.

The PRR statute mandates that a defendant who commits a qualifying offense (here, aggravated battery) “within 3 years after being released from a state correctional facility operated by the Department of Corrections [or other identified facility or institution] . . . must be sentenced . . . for a felony of the second degree, by a [maximum] term of imprisonment of 15 years.” § 775.082(9)(a)1.–3., Fla. Stat. A prison releasee reoffender is not eligible for parole or any other form of early release and “must serve 100 percent of the court-imposed sentence.” § 775.082(9)(b), Fla. Stat.

Here, amongst other evidence proving the question, Davis himself testified that prior to the January 2023 offense charged, he was last released from a state correctional facility in June 2022, just seven months prior. This, of course, is well within the statutory three-year timeframe. As a result, the evidence presented to the jury was sufficient to sustain its finding that Davis was a prison releasee reoffender.

Accordingly, we reverse the trial court’s order setting aside the jury’s verdict finding Davis a prison releasee reoffender, and remand this case to the trial court with instructions to reinstate

¹ Ultimately, following a sentencing hearing, Davis was sentenced on the aggravated battery count to nine years in prison followed by five years of probation.

² Davis filed a cross-appeal, which is without merit. We affirm on all issues raised without further comment.

the jury verdict and designate Davis a prison releasee reoffender. Further, the trial court shall conduct a resentencing hearing, at which Davis is entitled to counsel. As mandated by section 775.082(9)(a)3.c., Florida Statutes, Davis shall be sentenced to the fifteen-year maximum sentence.

REVERSED and REMANDED WITH INSTRUCTIONS. CROSS APPEAL AFFIRMED.

LAMBERT and SOUD, JJ., concur.
KILBANE, J., concurs in result only.

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