

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2023-0854
LT Case No. 2021-CF-010135-A

MARTELL LAVON PALMER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Meredith Charbula, Judge.

Matthew J. Metz, Public Defender, and George D.E. Burden,
Assistant Public Defender, Daytona Beach, for Appellant.

James Uthmeier, Attorney General, and Adam B. Wilson,
Assistant Attorney General, Tallahassee, for Appellee.

January 23, 2026

PER CURIAM.

In this appeal from a partial denial of his Florida Rule of Criminal Procedure 3.800(b)(2) motion, Martell Lavon Palmer appeals the legality of the trial court's entry of mandatory minimum sentences in the written order that were not orally pronounced at his sentencing hearing. Although the mandatory

minimum sentences do not increase his sentence and his presence for such a sentencing would thus be “useless, or the benefit but a shadow,”¹ precedence from this Court requires reversal. *See Solomon v. State*, 254 So. 3d 1121, 1125 (Fla. 5th DCA 2018), *disapproved of on other grounds by Earl v. State*, 314 So. 3d 1253 (Fla. 2021) (ordering the defendant be brought before the trial court to impose the mandatory minimum sentences even though the correction would not change the term of his sentences, because “a defendant’s due process rights are violated when mandatory minimum terms are added to a sentence without the defendant’s presence”).

REVERSED and REMANDED for resentencing consistent with this opinion.

MAKAR, BOATWRIGHT, and KILBANE, JJ., concur.²

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

¹ *Snyder v. Massachusetts*, 291 U.S. 97, 106–07 (1934).

² This case was reassigned after Judge Pratt, who was previously on the panel, was commissioned as a United States District Judge.