

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-5463

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DETARSHA C. BRADLEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Duval County.  
Russell Healey, Judge.

April 16, 2019

PER CURIAM.

Appellant was convicted of aggravated assault and possession of a firearm by a convicted felon, resulting from one criminal episode involving one victim, in which three or four shots were fired. The trial court imposed consecutive minimum-mandatory sentences under section 775.087(2), Florida Statutes (10-20-Life); and Appellant challenged that aspect of his sentence on appeal. Pursuant to *Walton v. State*, 208 So. 3d 60 (Fla. 2016), and *Williams v. State*, 186 So. 3d 989 (Fla. 2016), we remanded for the trial court to exercise its discretion as to whether Appellant's minimum-mandatory sentences should be concurrent or consecutive. *Bradley v. State*, 223 So. 3d 421 (Fla. 1st DCA 2017). The trial court re-entered consecutive sentences. After that hearing and while this appeal was pending, the Florida Supreme

Court decided *Miller v. State*, 43 Fla. L. Weekly S426, 2018 WL 4784069 (Fla. Oct. 4, 2018). In that case, the supreme court clarified its post-*Williams* cases as holding that consecutive sentences are permissible for single-episode crimes only when there are either multiple victims or multiple injuries—neither of which was the case here. *Miller*, 2018 WL 4784069 at \*2. We followed that precedent in *Fleming v. State*, 260 So. 3d 1199 (Fla. 1st DCA 2019), remanding for resentencing with concurrent minimum-mandatory sentences; and we do so again now.

REVERSED and REMANDED for resentencing.

ROWE, OSTERHAUS, and KELSEY, JJ., concur.

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

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Andy Thomas, Public Defender; and Barbara J. Busharis, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General; Kaitlin Weiss, Assistant Attorney General; and Tabitha Herrera, Assistant Attorney General, Tallahassee, for Appellee.