

FLORIDA LAW WEEKLY SEX CRIMES EDITION BY DENNIS NICEWANDER

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Bruce v. State, 33 Fla. L. Weekly D2008 (Fla. 1st DCA 2008)

Defendant who was convicted of sexual battery with a deadly weapon and sentenced to 15 years of imprisonment was a dangerous sexual felony offender (DSFO) within meaning of Dangerous Sexual Felony Offender Act and, thus, was subject to a mandatory minimum sentence of 25 years of imprisonment, even though defendant had no prior sexual offense convictions; previous convictions were only one way to qualify as a DSFO under the statute, while defendant qualified by virtue of having used or threatened to use a deadly weapon during the commission of the offense.

Saintelien v. State, 33 Fla. L. Weekly S587 (Fla. 4th DCA 2008):

A defendant may seek correction of an allegedly erroneous sexual predator designation by filing a motion to correct an illegal sentence in criminal court, in cases where it is apparent from the face of the record that the defendant did not meet the criteria for designation as a sexual predator; abrogating *Boyer v. State*, 946 So.2d 75.

Defendant met the criteria for designation as a sexual predator, and thus challenge to his sexual predator designation could not be raised in motion to correct an illegal sentence filed in criminal court.