

IN THE FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

GLORIA WILLIAMS,
Appellant,

v.

CASE NO.:: 1D18-1898

STATE OF FLORIDA,
Appellee.

APPELLANT'S PRO SE INITIAL BRIEF

ON APPEAL FROM THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA
L.T. CASE NO.:: 2017-539 CF

Gloria Williams

GLORIA WILLIAMS, DC#J61414
LOWELL CORRECTIONAL INSTITUTION-ANNEX
11120 N.W. GAINESVILLE RD.
OCALA, FLORIDA 34482

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D. W. Dmsell
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PRELIMINARY STATEMENT

This is a direct appeal of the Appellant's sentence and judgment.

In the brief the Appellant, **Gloria Williams**, will be referred to as the "Appellant". The Appellee, the State of Florida, will be referred to as "the State".

STATEMENT OF CASE AND FACTS

In the instant case, Appellant entered an open plea to two crimes: Kidnapping (Count 1) and Interference with Custody (Count 2). There was no specific agreement to her sentence but the parties negotiated a range of 0-22 years regarding the kidnapping charge and 0-5 years regarding the custody interference charge, with both sentenced to run concurrently.

Based on her plea, the judge adjudicated the Appellant guilty of both counts and sentenced her to concurrent terms of eighteen (18) years incarceration on Count 1 and five (5) years incarceration on Count 2.

The Appellant herein files her Initial Brief.

SUMMARY ARGUMENT

The Appellant asserts that she was excessively sentenced by the trial court.

This Honorable Court should reverse and remand the trial court's decision and grant her the relief she is duly entitled.

ARGUMENT

ISSUE ONE: TRIAL COURT ERRED IN EXCESSIVELY SENTENCING THE APPELLANT

There occurred an abuse of judicial discretion in excessively sentencing the Appellant to eighteen (18) years imprisonment. The sentence rendered is unreasonable, and

constitutes cruel and unusual punishment in light of certain mitigating factors. As early as Rogers v. United States, 304 F.2d 520, 521 (5 Cir. 1962), the court has recognized that a punishment can be considered cruel and unusual if "it is so greatly disproportionate to the offense committed as to be completely arbitrary and shocking to the sense of justice."

This "crime" is one of passion and one arising out of a unique situation peculiar to that moment. In accordance with jury instructions, passion is defined as "the state of mind when it is powerfully acted upon and influenced by something external to itself. It is one of the emotions of the mind known as anger, rage, sudden resentment, or terror. The emotion must be present in the mind of the defendant as a result of such adequate and immediate provocation as might obscure the reason or dominate the volition of an ordinary reasonable person" (Wheeler v. State, 4 So. 3d 604 (Fla. 2009)).

The Appellant had just suffered a devastating miscarriage and was exhibiting symptoms conducive to Post-Partum Depression, as well as experiencing extreme mental and emotional disturbance. The Appellant was rendered temporarily incompetent at the time she took the child; she was not in her right state of mind, nor did she understand the consequences of her actions and lack the capacity to appreciate the criminality of her conduct.

The Appellant publicly admitted to kidnapping the child upon turning herself in to authorities; she was truly remorseful. An eighteen (18) year sentence is significantly disproportionate to the alleged crime the Appellant committed where the child grew up in a happy home and was afforded tender, love and care. The Appellant never once intended harm towards the child, and in fact brought her up to the best of the Appellant's abilities and then some. Even the victim, the kidnapped, spoke out in the Appellant's favor and did not wish imprisonment which would take away the only mother she has ever known; society surely should not be punishing her and she should have the most input in the matter. There was absolutely nothing heinous, atrocious, or cruel about this alleged crime to harbor anything more than the 50.7 months to 67.6 months of imprisonment deemed acceptable by sentencing guidelines.

The Appellant deserves just relief in this cause.

CONCLUSION

The Appellant prays that this Honorable Court grant her relief on her meritorious claim. The Appellant request that this court reverses the erroneous decision of the trial court and grants her:

1. Vacate and set aside the Appellant's convictions and sentence;
2. Remand for re-sentencing;
3. And/or any other relief that this court deems just and proper.

Respectfully Submitted,



GLORIA WILLIAMS, DC#J61414

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed this document in the hands of Lowell Correctional Institution-Annex Legal Mail Staff for mailing to: First District Court of Appeals: 2000 Drayton Dr., Tallahassee 32399 --and to-- Duval County Clerk of Court: 501 W. Adams St., Jacksonville, FL 32202 --and to-- Attorney General: The Capitol PL-01, Tallahassee 32399.

On this 29 day of September, 2018.

Gloria Williams

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, that this brief complies with the font requirements with rule 9.210(A)(2) of the Florida Rules of Appellate Procedure.

Gloria Williams

GLORIA WILLIAMS, DC#J61414