

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

Kayan Emmanuel Smith v. State of Florida

No. 4D2024-1166 (Fla. 4th DCA Apr. 2, 2025) · No. 4D2024-1166 · Decided April 2, 2025

SUMMARY

The Florida Fourth District Court of Appeal affirmed the denial of Kayan Emmanuel Smith’s Florida Rule of Criminal Procedure 3.850 motion. In a specially concurring opinion, Judge Warner addressed the State’s obligation under Florida Rule of Appellate Procedure 9.141(b)(3) to brief contested claims, warning that failure to do so may forfeit the State’s right to respond.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Per Curiam; Kuntz, J.; Artau, J.; Warner, J.
JURISDICTION	Florida District Court of Appeal, Fourth District
DECIDED	April 2, 2025
DOCKET	4D2024-1166
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying a Florida Rule of Criminal Procedure 3.850 motion for postconviction relief.
PRECEDENTIAL VALUE	Published
PARTIES	Kayan Emmanuel Smith v. State of Florida

TOPICS

- appellate procedure
- post-conviction relief
- state post-conviction relief
- criminal procedure

PRACTICE AREAS

- criminal procedure
- postconviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether the circuit court's order denying Smith's rule 3.850 motion should be affirmed.
- Under the specially concurring opinion, whether the State must address all contested issues in its answer brief when a postconviction appeal proceeds under Florida Rule of Appellate Procedure 9.141(b)(3),

including claims summarily denied.

HOLDINGS

1. The order denying Smith's motion for postconviction relief is affirmed.
2. In the specially concurring judge's view, when an evidentiary hearing is held on at least one claim and the appeal proceeds under rule 9.141(b)(3), the appellee must address all issues raised in the initial brief that it contests; failure to do so may forfeit the State's right to respond and may be viewed as a concession of error.

KEY QUOTATIONS

“Thus, when an evidentiary hearing is held as to at least one claim, appellee has the duty to address all issues raised in the initial brief that appellee contests.” (2)

“I completely agree with Cuomo and would caution the State in future appeals that it may forfeit its right to respond to a summarily denied claim in a rule 9.141(b)(3) appeal, if the State does not address the claim in its answer brief.” (2)

FACTUAL BACKGROUND

The opinion does not discuss the underlying criminal facts. It states only that Smith sought postconviction relief under rule 3.850 and that the circuit court denied his motion.

PROCEDURAL HISTORY

Smith appealed the Circuit Court for the Fifteenth Judicial Circuit's denial of his rule 3.850 motion. The Fourth District affirmed. Judge Warner specially concurred to address the State's practice of declining to brief summarily denied claims in rule 9.141(b)(3) appeals unless ordered to respond.

DISPOSITION

affirmed

CASES CITED

- Davis v. State, 660 So. 2d 1161 (Fla. 4th DCA 1995)
- Anderson v. Ewing, 768 So. 2d 1161, 1166 n. 1 (Fla. 4th DCA 2000)
- Cuomo v. State, 257 So. 3d 584, 586 (Fla. 1st DCA 2018)