

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Willie Weaver v. State of Florida

No. 3D25-0884 · No. No. 3D25-0884 · Decided July 30, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the summary denial of Willie Weaver’s motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. The court concluded that Weaver’s claims were facially insufficient, conclusively refuted by the record, or procedurally barred.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	MILLER; BOKOR; GOODEN
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 30, 2025
DOCKET	No. 3D25-0884
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the trial court's summary denial of a motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850.
STANDARD OF REVIEW	A trial court's summary denial of post-conviction relief is affirmed when the claims are facially insufficient, conclusively refuted by the record, or procedurally barred.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Willie Weaver v. State of Florida

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly summarily denied Weaver's Rule 3.850 motion for post-conviction relief.
2. Whether Weaver's claims were facially insufficient, conclusively refuted by the record, or procedurally barred.

HOLDINGS

1. A trial court's summary denial of post-conviction claims may be affirmed when the claims are facially insufficient, conclusively refuted by the record, or procedurally barred.
2. The trial court properly summarily denied Weaver's post-conviction motion because all of his claims were facially insufficient, conclusively refuted by the record, or procedurally barred.
3. To establish ineffective assistance of counsel, a post-conviction petitioner must show both deficient performance and resulting prejudice.
4. A defendant cannot establish ineffective assistance of counsel based on counsel's failure to call a witness who is unavailable.
5. Trial counsel cannot be deemed ineffective for failing to raise meritless claims or claims that had no reasonable probability of affecting the outcome of the proceeding.
6. Issues that were or could have been litigated at trial and on direct appeal are not cognizable through collateral attack.
7. To be entitled to an evidentiary hearing on the type of competency claim addressed by the court, a movant must allege clear and convincing circumstances creating a real, substantial, and legitimate doubt as to competency.

KEY QUOTATIONS

"To affirm a trial court's summary denial, the claims must be either facially insufficient, conclusively refuted by the record, or procedurally barred." (at 2)

"In order to prove ineffective assistance of counsel, a petitioner must demonstrate both that counsel's performance was deficient and that the deficiency caused prejudice." (at 2)

"A defendant cannot establish ineffective assistance of counsel based on counsel's failure to call a witness who is unavailable." (at 2)

"Trial counsel cannot be deemed ineffective for failing to raise meritless claims or claims that had no reasonable probability of affecting the outcome of the proceeding." (at 2)

"Issues which either were or could have been litigated at trial and upon direct appeal are not cognizable through collateral attack." (at 2)

"To be entitled to an evidentiary hearing on this type of claim, the movant must set forth clear and convincing circumstances that create a real, substantial and legitimate doubt as to competency." (at 2)

FACTUAL BACKGROUND

The opinion concerns Weaver's motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. The trial court summarily denied the motion without an evidentiary hearing. The appellate court found that all of Weaver's claims fell within recognized categories permitting summary denial.

PROCEDURAL HISTORY

Weaver filed a motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. The Circuit Court for Miami-Dade County summarily denied the motion. The Third District Court of Appeal affirmed, concluding that all of Weaver's claims were facially insufficient, conclusively refuted by the record, or procedurally barred.

DISPOSITION

affirmed

CASES CITED

- Foster v. State, 810 So. 2d 910, 914 (Fla. 2002)
- Suggs v. State, 923 So. 2d 419, 429 (Fla. 2005)
- White v. State, 964 So. 2d 1278, 1286 (Fla. 2007)
- Teffeteller v. Dugger, 734 So. 2d 1009, 1023 (Fla. 1999)
- Smith v. State, 445 So. 2d 323, 325 (Fla. 1983)
- Thompson v. State, 88 So. 3d 312, 320 (Fla. 4th DCA 2012)

OPINION

Willie Weaver v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed July 30, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0884 Lower Tribunal No. F13-5829 _____ Willie Weaver, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Ramiro Areces, Judge. Willie Weaver, in proper person. James Uthmeier, Attorney General, for appellee. Before MILLER, BOKOR and GOODEN, JJ. PER CURIAM. Appellant Willie Weaver appeals the trial court's summary denial of his motion for post-conviction relief filed under Florida Rule of Criminal Procedure 3.850. To affirm a trial court's summary denial, the claims must be either facially insufficient, conclusively refuted by the record, or procedurally barred. Foster v. State, 810 So. 2d 910, 914 (Fla. 2002). Finding all of Weaver's claims fit squarely in these three categories, we affirm. See Suggs v. State, 923 So. 2d 419, 429 (Fla. 2005) ("In order to prove ineffective assistance of counsel, a petitioner must demonstrate both that counsel's performance was deficient and that the deficiency caused prejudice."); see also White v. State, 964 So. 2d 1278, 1286 (Fla. 2007) ("A defendant cannot

establish ineffective assistance of counsel based on counsel's failure to call a witness who is unavailable."); *Teffeteller v. Dugger*, 734 So. 2d 1009, 1023 (Fla. 1999) ("Trial counsel cannot be deemed ineffective for failing to raise meritless claims or claims that had no reasonable probability of affecting the outcome of the proceeding."); *Smith v. State*, 445 So. 2d 323, 325 (Fla. 1983) ("Issues which either were or could have been litigated at trial and upon direct appeal are not cognizable through collateral attack."); *Thompson v. State*, 88 So. 3d 312, 320 (Fla. 4th DCA 2012) ("To be entitled to an evidentiary hearing on this type of claim, the 2 movant must set forth clear and convincing circumstances that create a real, substantial and legitimate doubt as to competency."). Affirmed. 3