

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Ahmad Milton v. State of Florida

Ahmad Milton v. State of Florida · No. Nos. 3D25-1436 & 3D25-1437 · Decided September 17, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Ahmad Milton’s motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. The court held that the employment records were known to or equally accessible by the defense and prosecution, so they did not constitute newly discovered evidence and their nondisclosure did not establish a Brady violation.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Gordo, J.; Scales, C.J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 17, 2025
DOCKET	Nos. 3D25-1436 & 3D25-1437
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a Florida Rule of Criminal Procedure 3.850 motion for post-conviction relief and the summary denial of a related motion for reconsideration and to compel production of alleged newly discovered Brady material.
PRECEDENTIAL VALUE	published
PARTIES	Ahmad Milton v. The State of Florida

TOPICS

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

PRACTICE AREAS

- Florida criminal post-conviction relief
- criminal procedure
- appellate procedure
- Brady disclosure

QUESTIONS PRESENTED

1. Whether the employment records qualified as newly discovered evidence warranting post-conviction relief under Florida Rule of Criminal Procedure 3.850.

2. Whether the State violated *Brady v. Maryland* by failing to disclose the employment records.
3. Whether Milton was entitled to relief based on ineffective assistance of counsel for failing to seek the records.
4. Whether the trial court properly summarily denied Milton's motion for reconsideration and to compel the alleged newly discovered Brady material.

HOLDINGS

1. The employment records did not constitute newly discovered evidence because they were known to Milton and his attorney at trial and were equally accessible to the defense and prosecution.
2. There was no Brady violation because the records were known to Milton and his attorney and were equally accessible to the defense and prosecution.
3. Milton was not entitled to relief on his ineffective-assistance allegation concerning counsel's failure to seek the employment records.
4. The trial court properly summarily denied Milton's motion for reconsideration and to compel the alleged newly discovered Brady material.

KEY QUOTATIONS

“Based on the unrefuted record, which shows the subject employment records were not only equally accessible to the defense and the prosecution but known by Milton and his attorney at the time of trial, we find the trial court properly denied the motion, finding the records do not constitute newly-discovered evidence and no Brady violation occurred.” (p. 1)

“There is no Brady violation where the information is equally accessible to the defense and the prosecution, or where the defense either had the information or could have obtained it through the exercise of reasonable diligence.” (p. 2)

FACTUAL BACKGROUND

Milton's post-conviction claims concerned employment records that he characterized as newly discovered Brady material. The unrefuted record showed that the records were equally accessible to the defense and prosecution and were known to Milton and his attorney at the time of trial. Milton also alleged that trial counsel was ineffective for failing to seek the records.

PROCEDURAL HISTORY

Milton moved to vacate his conviction and sentence based on newly discovered evidence, an alleged Brady violation, and ineffective assistance of counsel. The Circuit Court for Miami-Dade County denied the post-conviction motion and later summarily denied Milton's motion for reconsideration and to compel production of the alleged material. The Third District Court of Appeal consolidated the appeals and affirmed.

DISPOSITION

affirmed

CASES CITED

- Long v. State, 183 So. 3d 342, 345 (Fla. 2016)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Smith v. State, 275 So. 3d 843, 843 (Fla. 1st DCA 2019)
- Maharaj v. State, 778 So. 2d 944, 954 (Fla. 2000)
- Occhicone v. State, 768 So. 2d 1037, 1042 (Fla. 2000)
- Provenzano v. State, 616 So. 2d 428, 430 (Fla. 1993)

OPINION

Ahmad Milton v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ Nos. 3D25-1436 & 3D25-1437 1 Lower Tribunal No. F06-11426 _____ Ahmad Milton, Appellant, vs. The State of Florida, Appellee. Appeals from the Circuit Court for Miami-Dade County, Richard Hersch, Judge. Ahmad Milton, in proper person. James Uthmeier, Attorney General, for appellee. Before SCALES, C.J., and GORDO and GOODEN, JJ. GORDO, J. 1 We sua sponte consolidated these appeals for all purposes. Ahmed Milton (“Milton”) appeals the denial of his motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. We have jurisdiction. Fla. R. App. P. 9.141(b)(2). In his motion, Milton sought to vacate his conviction and sentence based upon newly-discovered evidence and upon an alleged Brady² violation. He further alleged his counsel was ineffective for failing to seek the evidence. Based on the unrefuted record, which shows the subject employment records were not only equally accessible to the defense and the prosecution but known by Milton and his attorney at the time of trial, we find the trial court properly denied the motion, finding the records do not constitute newly-discovered evidence and no Brady violation occurred. Thus, we affirm. 3 See Long v. State, 183 So. 3d 342, 345 (Fla. 2016) (“If a defendant seeks to make a newly discovered evidence claim, he must timely file a postconviction motion based on newly discovered evidence to vacate his judgment and sentence and meet a two-prong test . . . First, the evidence must not have been known by the trial court, the party, or counsel at the time of trial, and it must appear that the defendant or defense counsel could not have known of it by the use of 2 Brady v. Maryland, 373 U.S. 83 (1963). 3 In these consolidated appeals, Milton also challenges the denial of his motion for reconsideration of an order denying his motion to compel the so- called “newly discovered Brady material.” For the same reasons set forth in this opinion, we find the trial court properly summarily denied this motion. 2 diligence. Second, the newly discovered evidence must be of such nature that it would probably produce an acquittal on

retrial.”) (citation omitted); *Smith v. State*, 275 So. 3d 843, 843 (Fla. 1st DCA 2019) (“A Brady claim is cognizable in a postconviction motion.”); *Maharaj v. State*, 778 So. 2d 944, 954 (Fla. 2000) (“[A] Brady claim cannot stand if a defendant knew of the evidence allegedly withheld or had possession of it, simply because the evidence cannot then be found to have been withheld from the defendant.” (quoting *Occhicone v. State*, 768 So. 2d 1037, 1042 (Fla. 2000))); *Provenzano v. State*, 616 So. 2d 428, 430 (Fla. 1993) (“There is no Brady violation where the information is equally accessible to the defense and the prosecution, or where the defense either had the information or could have obtained it through the exercise of reasonable diligence.”). Affirmed. 3