

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Errol Latson v. State of Florida

No. 3D25-1132 (Fla. 3d DCA Sept. 24, 2025) · No. No. 3D25-1132 · Decided September 24, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Errol Latson’s motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a). The court held that a claim of vindictive sentencing cannot be raised through that rule and that treating the motion as one under Rule 3.850 did not change the result because Latson’s convictions and sentences had already been affirmed on direct appeal.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Miller, J.; Emas, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 24, 2025
DOCKET	No. 3D25-1132
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a).
PRECEDENTIAL VALUE	published
PARTIES	Errol Latson v. The State of Florida

TOPICS

- post-conviction relief
- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- sentencing
- appellate procedure

QUESTIONS PRESENTED

- Whether a claim of vindictive sentencing may be raised through a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a).

2. Whether treating Latson's motion as one under Florida Rule of Criminal Procedure 3.850 could provide relief after his convictions and sentences had been affirmed on direct appeal.

HOLDINGS

1. A claim of vindictive sentencing cannot be raised by a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a).
2. Treating Latson's motion as one filed under Rule 3.850 would not produce a different result because Latson's convictions and sentences had already been affirmed on direct appeal in 2019.

KEY QUOTATIONS

“a claim of vindictive sentencing cannot be raised by a motion to correct illegal sentence under [r]ule 3.800(a).” (at 2)

FACTUAL BACKGROUND

Latson was convicted of first-degree murder and received a life sentence. He alleged that the sentence was vindictive because he declined a plea offer made shortly before trial. He sought correction of the sentence under Rule 3.800(a).

PROCEDURAL HISTORY

Latson filed a motion under Florida Rule of Criminal Procedure 3.800(a), asserting that the trial court imposed a vindictive sentence after he rejected a prosecutorial plea offer shortly before trial. The Circuit Court for Miami-Dade County denied the motion. The Third District Court of Appeal affirmed; it also noted that treating the motion as one under Rule 3.850 would not change the result because Latson's convictions and sentences had been affirmed on direct appeal in 2019.

DISPOSITION

affirmed

CASES CITED

- Morales v. State, 909 So. 2d 478, 478-79 (Fla. 3d DCA 2005)
- Latson v. State, 276 So. 3d 400 (Fla. 3d DCA 2019)

OPINION

Errol Latson v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 24, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1132 Lower Tribunal No. F10-6101A _____ Errol Latson, Appellant, vs. The State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit

Court for Miami-Dade County, Ellen Sue Venzer, Judge. Errol Latson, in proper person. James Uthmeier, Attorney General, and Jason Michael Ross, Assistant Attorney General, for appellee. Before EMAS, MILLER, and BOKOR JJ. MILLER, J. Appellant, Errol Latson, challenges an order denying his motion to correct an illegal sentence filed under Florida Rule of Criminal Procedure 3.800(a). His motion asserted that the trial court imposed a vindictive sentence after he failed to accept the plea offer extended to him by the prosecutor shortly before trial. Casting aside the nondiscretionary nature of his life sentence for first-degree murder, we reiterate the proposition that “a claim of vindictive sentencing cannot be raised by a motion to correct illegal sentence under [r]ule 3.800(a).” *Morales v. State*, 909 So. 2d 478, 478-79 (Fla. 3d DCA 2005) (citing collected cases); see also § 775.082(1)(a), Fla. Stat. (2018). Treating Latson’s motion as having been filed under Florida Rule of Criminal Procedure 3.850 yields no different result, as we affirmed his convictions and sentences on direct appeal in 2019. See *Latson v. State*, 276 So. 3d 400 (Fla. 3d DCA 2019). Accordingly, we affirm the order under review. Affirmed. 2