

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Hinson v. State of Florida

No. 1D2023-1893 · No. No. 1D2023-1893 · Decided December 3, 2025

SUMMARY

The Florida First District Court of Appeal affirmed Justin Hinson’s convictions and sentences. In a separate opinion concurring in part and dissenting in part, Judge Rowe agreed with affirming the convictions but would have vacated the sentences because the trial court failed to renew the offer of appointed counsel before sentencing.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Robert Roberts; Kelsey; Rowe
JURISDICTION	Florida First District Court of Appeal
DECIDED	December 3, 2025
DOCKET	No. 1D2023-1893
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hinson appealed his criminal convictions and sentences from the Circuit Court for Leon County, arguing that the trial court reversibly erred by failing to renew the offer of appointed counsel before sentencing while Hinson was proceeding pro se.
STANDARD OF REVIEW	Not expressly stated by the per curiam majority. The dissent characterized the alleged failure to renew the offer of counsel at sentencing as reversible error.
PRECEDENTIAL VALUE	Published opinion; summary per curiam affirmance with a separate partial concurrence and dissent.
PARTIES	Justin Hinson v. State of Florida

TOPICS

- criminal procedure
- right to counsel
- sixth amendment
- sentencing
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court reversibly erred by failing to renew the offer of appointed counsel before sentencing after allowing Hinson to proceed pro se.
2. Whether Hinson's convictions and sentences should be affirmed.

HOLDINGS

1. The First District Court of Appeal affirmed the judgment, including Hinson's convictions and sentences.

KEY QUOTATIONS

“If the waiver of counsel is knowing and voluntary, the trial court must renew the offer of counsel at “each subsequent stage of the proceedings at which the defendant appears without counsel.”” (at 3)

“A crucial stage is “any stage that may significantly affect the outcome of the proceedings.”” (at 3)

“Sentencing is a crucial stage in the proceedings that triggers the requirement for the trial court to renew the offer of counsel.” (at 3)

“We . . . hold that Allen is not entitled to relief because the trial court cured the error, thereby eliminating the need to address whether, had the error not been cured, it would amount to fundamental error.” (at 5)

“On this record, I conclude that the trial court reversibly erred when it failed to renew the offer of counsel at sentencing.” (at 6)

FACTUAL BACKGROUND

Hinson was charged with multiple firearm-related attempted murder and aggravated battery offenses and possession of a firearm by a convicted felon. After a Faretta hearing, he knowingly and voluntarily elected to represent himself, and the trial court twice renewed the offer of counsel before jury selection but denied his request for standby counsel. Following his convictions, Hinson appeared pro se at sentencing, expressed confusion about the proceeding and sentencing scoresheet, and stated that he felt “illiterate,” but the trial court did not renew the offer of appointed counsel.

PROCEDURAL HISTORY

The State charged Hinson with attempted murder, aggravated battery, and possession of a firearm by a convicted felon. After a Faretta hearing, the trial court permitted Hinson to represent himself, and the court renewed the offer of counsel before jury selection. Hinson was convicted of attempted first-degree murder, attempted second-degree murder as a lesser-included offense, and two counts of aggravated battery, then received lengthy prison sentences. The First District Court of Appeal affirmed; Judge Rowe concurred in affirming the convictions but dissented from affirming the sentences.

DISPOSITION

affirmed

CASES CITED

- *Faretta v. California*, 422 U.S. 806 (1975)
- *Noetzel v. State*, 328 So. 3d 933, 948 (Fla. 2021)
- *Hooks v. State*, 286 So. 3d 163, 167 (Fla. 2019)
- *Traylor v. State*, 596 So. 2d 957, 968 (Fla. 1992)
- *Brooks v. State*, 180 So. 3d 1094, 1096 (Fla. 1st DCA 2015)
- *Richardson v. State*, 229 So. 3d 446, 446 (Fla. 1st DCA 2017)
- *Henretty v. State*, 155 So. 3d 1254, 1255 (Fla. 1st DCA 2015)
- *Cuyler v. State*, 131 So. 3d 827, 828 (Fla. 1st DCA 2014)
- *Howard v. State*, 147 So. 3d 1040, 1043 (Fla. 1st DCA 2014)
- *Travis v. State*, 969 So. 2d 532, 533 (Fla. 1st DCA 2007)
- *Wilson v. State*, 947 So. 2d 1225, 1226–27 (Fla. 1st DCA 2007)
- *Woodbury v. State*, 320 So. 3d 631, 650–51 (Fla. 2021)
- *Tennis v. State*, 997 So. 3d 375, 379 (Fla. 2008)
- *Allen v. State*, 322 So. 3d 589, 596–97 (Fla. 2021)
- *Hutchens v. State*, 730 So. 2d 825, 826 (Fla. 2d DCA 1999)
- *Knight v. State*, 770 So. 2d 663, 670 (Fla. 2000)