

FLORIDA THIRD DISTRICT COURT OF APPEAL

Edward Junior Gibbs v. State of Florida

No. 3D23-1676 · No. 3D23-1676 · Decided October 8, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed Edward Junior Gibbs's conviction in a per curiam opinion. The court rejected a Second Amendment challenge to Florida's prohibition on firearm possession by convicted felons, relying on federal and Florida precedent upholding comparable restrictions.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Emas; Lindsey; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 8, 2025
DOCKET	3D23-1676
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gibbs appealed from a judgment of the Circuit Court for Miami-Dade County involving a constitutional challenge to Florida's prohibition on possession of firearms by convicted felons.
STANDARD OF REVIEW	De novo review of the constitutional challenge.
PRECEDENTIAL VALUE	precedential
PARTIES	Edward Junior Gibbs v. State of Florida

TOPICS

- second amendment
- constitutional law
- criminal procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

- constitutional law
- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether Florida's prohibition on possession of firearms by convicted felons, section 790.23(1)(a), Florida Statutes, violates the Second Amendment.
2. Whether the United States Supreme Court's decision in *United States v. Rahimi* altered the constitutional analysis applicable to prohibitions on firearm possession by convicted felons.

HOLDINGS

1. Florida's prohibition on convicted felons possessing firearms survives Second Amendment scrutiny.
2. *United States v. Rahimi* did not invalidate or materially undermine prohibitions on firearm possession by convicted felons.

KEY QUOTATIONS

“Affirmed.”

“Whether based on the language from McDonald, Heller, and Bruen excluding convicted felons from having protected Second Amendment rights, or whether based on the historical tradition of the Second Amendment as given by Bruen, we conclude that Florida law prohibiting convicted felons from possessing firearms survives Second Amendment scrutiny.”

FACTUAL BACKGROUND

The opinion concerns an appellant subject to Florida's prohibition on convicted felons possessing firearms. Gibbs challenged the constitutionality of that prohibition under the Second Amendment. The appellate court affirmed based on authorities upholding the federal and Florida prohibitions against such challenges, including challenges by nonviolent felons.

PROCEDURAL HISTORY

The appeal was taken from the Circuit Court for Miami-Dade County, case number F23-8089. The Third District Court of Appeal affirmed per curiam, relying on federal and Florida precedent rejecting Second Amendment challenges to prohibitions on firearm possession by convicted felons.

DISPOSITION

affirmed

CASES CITED

- *United States v. Dubois*, 139 F.4th 887 (11th Cir. 2025)
- *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025)
- *United States v. Young*, No. 23-10464, 2024 WL 3466607, at *8 (11th Cir. July 19, 2024)
- *United States v. Hester*, No. 23-11938, 2024 WL 4100901 (11th Cir. Sept. 6, 2024)
- *United States v. Langston*, 110 F.4th 408, 420 (1st Cir. 2024)
- *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024)

- United States v. Hunt, 123 F.4th 697, 708 (4th Cir. 2024)
- United States v. Warner, 131 F.4th 1137, 1148 (10th Cir. 2025)
- Range v. Att'y Gen. United States, 124 F.4th 218, 232 (3d Cir. 2024)
- United States v. Williams, No. 24-1244, 2025 WL 1089531, at *2 (6th Cir. Apr. 11, 2025)
- D.C. v. Heller, 554 U.S. 570, 626-27 (2008)
- McDonald v. City of Chicago, Ill., 561 U.S. 742, 786 (2010)
- Edenfield v. State, 379 So. 3d 5, 9-10 (Fla. 1st DCA 2023)
- Paul v. State, 381 So. 3d 617 (Fla. 4th DCA 2024)
- Fleming v. State, 414 So. 3d 175 (Fla. 4th DCA 2025)

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