

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Roberto Gil v. The State of Florida

No. 3D22-1265 · No. No. 3D22-1265 · Decided June 11, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Roberto Gil’s timely motion for postconviction relief. The court found no error in the trial court’s handling of Gil’s ineffective-assistance claims, including its grant of relief on one claim and denial of relief on the others.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Logue; Judge Lindsey; Judge Gordo
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 11, 2025
DOCKET	No. 3D22-1265
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal, conducted pursuant to Anders v. California, from the denial of a timely-filed motion for postconviction relief.
STANDARD OF REVIEW	The appellate court reviewed the denial of postconviction relief for error.
PRECEDENTIAL VALUE	published
PARTIES	Roberto Gil v. The State of Florida

TOPICS

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

PRACTICE AREAS

- Criminal procedure
- Postconviction relief
- Ineffective assistance of counsel
- Appellate procedure

QUESTIONS PRESENTED

- Whether the trial court erred in denying Gil’s remaining claims for postconviction relief.

HOLDINGS

1. The trial court did not err in denying the remaining postconviction claims, and the denial of postconviction relief was affirmed.

FACTUAL BACKGROUND

Gil filed a timely motion for postconviction relief asserting claims including ineffective assistance of counsel. The trial court permitted him to supplement inadequate pleadings, conducted evidentiary hearings on certain issues, granted relief on one claim by resetting that charge for trial, and denied relief on the remaining claims.

PROCEDURAL HISTORY

Gil sought postconviction relief in the Circuit Court for Miami-Dade County. The trial court found that he satisfied the first but not the second Strickland prong on the relevant claims, held evidentiary hearings where appropriate, granted relief on one claim and reset that charge for trial, and denied relief on the remaining claims. Gil appealed, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Strickland v. Washington, 466 U.S. 668 (1984)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 11, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D22-1265 Lower Tribunal No. F12-21329C _____ Roberto Gil, Appellant, vs. The State of Florida, Appellee. An Appeal conducted pursuant to Anders v. California, 386 U.S. 738 (1967), from the Circuit Court for Miami-Dade County, Richard Hersch, Judge.

Roberto Gil, in proper person. James Uthmeier, Attorney General, and Linda Katz, Assistant Attorney General, for appellee. Before LOGUE, C.J., and LINDSEY and GORDO, JJ. PER CURIAM. Roberto Gil appeals the denial of his timely-filed motion for postconviction relief.

We have reviewed the trial court's meticulous treatment of the Appellant's claims, which included an opportunity for Appellant to supplement his pleading after the trial court found them inadequate, carefully determining Appellant had met the first but not second prong of Strickland v. Washington, 466 U.S. 668 (1984), conducting evidentiary hearings on certain points where appropriate, preparing a scholarly and insightful seventeen-page order setting forth its reasoning

and fact-findings, granting full relief on one of Appellant's claims and resetting that charge for trial, and denying relief on the others.

Finding no error, we affirm. Affirmed. 2