

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Shannon v. State of Florida

No. 2D2026-0359 (Fla. 2d DCA June 12, 2026) · No. No. 2D2026-0359 · Decided June 12, 2026

SUMMARY

The Florida Second District Court of Appeal reversed the denial of Nahshon Mantrell Shannon's motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853. The court held that the postconviction court improperly relied on trial-record evidence without attaching the relevant portions of the record, and noted that the motion was also facially insufficient because it did not adequately explain how testing would exonerate Shannon or mitigate his sentence. The case was remanded for further proceedings, including possible denial on the merits with supporting record attachments or dismissal without prejudice.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Northcutt, J.; Black, J.; Labrit, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	June 12, 2026
DOCKET	No. 2D2026-0359
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order denying a motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853.
STANDARD OF REVIEW	The appellate court reviewed whether the postconviction court properly summarily denied the rule 3.853 motion and whether the attached record conclusively showed that Shannon was not entitled to relief.
PRECEDENTIAL VALUE	Published opinion; precedential status is subject to official publication revision.
PARTIES	Nahshon Mantrell Shannon v. State of Florida

TOPICS

- post-conviction relief
- evidence
- appellate procedure
- criminal procedure
- successive petitions

PRACTICE AREAS

Florida postconviction criminal procedure

postconviction DNA testing

appellate procedure

QUESTIONS PRESENTED

1. Whether a postconviction court may summarily deny a Florida Rule of Criminal Procedure 3.853 motion based on trial-record evidence without attaching the portions of the record that conclusively show the movant is not entitled to relief.
2. Whether a facially insufficient Rule 3.853 motion should be denied or dismissed without prejudice rather than denied on the merits, and whether a later facially sufficient motion should be treated as successive.

HOLDINGS

1. When a postconviction court summarily denies a Rule 3.853 motion based on the record, it must attach the portions of the record that conclusively show that the movant is not entitled to relief.
2. A facially insufficient Rule 3.853 motion ordinarily should be denied or dismissed without prejudice to the movant's filing of a facially sufficient motion, rather than denied on the merits under rule 3.853(c)(5)(C).
3. If Shannon files a facially sufficient Rule 3.853 motion after the remand proceedings, that motion should not be treated as successive.

KEY QUOTATIONS

“When a postconviction court summarily denies a rule 3.853 motion based on the record, it must attach the portions of the record that conclusively show the movant is not entitled to relief.” (at 2)

FACTUAL BACKGROUND

Shannon sought DNA testing of a white choker with a charm, alleging that the item had not previously been tested, that the State had used it at trial to connect him to the offense, and that testing would exonerate him. The postconviction court found the motion facially sufficient but denied it after considering trial evidence that it believed conclusively refuted Shannon's claim. The court did not attach the relevant portions of the trial record.

PROCEDURAL HISTORY

Shannon filed a motion seeking DNA testing of a white choker with a charm. The postconviction court found the motion facially sufficient, ordered the State to respond, and then denied the motion under rule 3.853(c)(5)(C), relying on trial evidence but failing to attach the record portions supporting its conclusion. The Second District reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

On remand, the postconviction court may again deny the motion under rule 3.853(c)(5)(C) if it attaches the portions of the record conclusively showing that Shannon is not entitled to relief. If it cannot attach such records, it may deny or dismiss the motion without prejudice to Shannon's filing of a facially sufficient Rule 3.853 motion. Any such renewed motion should not be treated as successive.

CASES CITED

- Holmes v. State, 292 So. 3d 1246, 1247 (Fla. 1st DCA 2020)
- Scott v. State, 46 So. 3d 529, 533 (Fla. 2009)
- Bing v. State, 268 So. 3d 192, 193 (Fla. 2d DCA 2018)
- Bain v. State, 963 So. 2d 913, 914 (Fla. 2d DCA 2007)

OPINION

Shannon v. State of Florida

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

NAHSHON MANTRELL SHANNON,

Appellant, v.

STATE OF FLORIDA,

Appellee. No. 2D2026-0359 June 12, 2026 Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Hillsborough County; Elizabeth G. Rice, Judge. Nahshon Mantrell Shannon, pro se. PER CURIAM. Nahshon Mantrell Shannon appeals the postconviction court's order denying his motion for postconviction DNA testing filed under Florida Rule of Criminal Procedure 3.853. We reverse. Mr. Shannon sought DNA testing of a white choker with a charm. He alleged that the item had not previously been tested for DNA, that the State used the item at trial to connect him to the offense, and that DNA testing of the item would exonerate him. The postconviction court found the motion facially sufficient and ordered the State to respond. After receiving the State's response, the postconviction court denied the motion under rule 3.853(c)(5)(C), concluding that there was no reasonable probability that Mr. Shannon would have been acquitted or received a lesser sentence if DNA testing of the item had been admitted at trial. In doing so, the postconviction court relied on trial evidence that it concluded conclusively refuted Mr. Shannon's claim; but it did not attach the portions of the record supporting that conclusion. When a postconviction court summarily denies a rule 3.853 motion based on the record, it must attach the portions of the record that conclusively show the movant is not entitled to relief. See Holmes v. State, 292 So. 3d 1246, 1247 (Fla. 1st DCA 2020). Because the postconviction court denied Mr. Shannon's motion based on trial record evidence without attaching the relevant portions of the record, we cannot review the stated basis for the denial. We also note that Mr. Shannon's motion

was facially insufficient as it did not sufficiently explain how DNA testing of the choker would exonerate him or mitigate his sentence. See Fla. R. Crim. P. 3.853(b)(3), (4); *Scott v. State*, 46 So. 3d 529, 533 (Fla. 2009). But the postconviction court did not deny the motion as facially insufficient under rule 3.853(c)(2). It instead found the motion facially sufficient and denied it on the merits. However, a facially insufficient rule 3.853 motion ordinarily should be denied or dismissed without prejudice to the movant's filing of a facially sufficient motion. See *Bing v. State*, 268 So. 3d 192, 193 (Fla. 2d DCA 2018); *Bain v. State*, 963 So. 2d 913, 914 (Fla. 2d DCA 2007). Accordingly, we reverse and remand. On remand, the postconviction court may again deny the motion under rule 3.853(c)(5)(C) if it attaches the portions of the record conclusively showing that Mr. 2 Shannon is not entitled to relief. Alternatively, if the postconviction court is unable to attach records conclusively showing that Mr. Shannon is not entitled to relief, it may deny or dismiss the motion without prejudice to Mr. Shannon's filing of a facially sufficient rule 3.853 motion. Any such motion should not be treated as successive. Reversed and remanded. NORTH CUTT, BLACK, and LABRIT, JJ., Concur. Opinion subject to revision prior to official publication. 3