

FLORIDA THIRD DISTRICT COURT OF APPEAL

Christopher Wilburn v. State of Florida

Wilburn v. State · No. No. 3D25-2015 · Decided December 31, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court's decision in Christopher Wilburn's appeal under Florida Rule of Appellate Procedure 9.141(b)(2). The court held that the plea colloquy, including the State's proffer and defense counsel's stipulation, satisfied the requirement for a factual basis for the plea.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez; Gordo; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 31, 2025
DOCKET	No. 3D25-2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County following a criminal proceeding involving the factual basis for a guilty plea.
PRECEDENTIAL VALUE	Published
PARTIES	Christopher Wilburn v. State of Florida

TOPICS

- plea bargaining
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- plea bargaining
- appellate procedure

QUESTIONS PRESENTED

- Whether the trial court adequately established a factual basis for the appellant's plea under Florida Rule of Criminal Procedure 3.172(a).

HOLDINGS

1. A trial court need not conduct a mini-trial to determine whether a plea has a factual basis; the factual-basis requirement may be satisfied through statements or admissions by the defendant, counsel, or prosecutor and other appropriate evidence or procedures, including a State proffer and defense counsel's stipulation during the plea colloquy.

KEY QUOTATIONS

“The inquiry to determine if a plea has a factual basis need not be a mini- trial[.]” (2)

“We hold that the court may satisfy itself by statements and admissions made by the defendant, his counsel, and the prosecutor; by factual evidence heard or filed in the cause, i.e., preliminary hearings, motions to suppress, or depositions taken in the cause. . . . These are not the exclusive means for a trial court to reach a determination. The trial court is free to utilize whatever procedure is best for the particular case before it to ensure that the defendant is entering a plea to the proper offense under the facts of the case.” (2)

“The State’s proffer during the plea colloquy and defense counsel’s stipulation that there was a factual basis for the plea satisfied the factual basis requirement of Florida Rule of Criminal Procedure 3.172(a).” (2)

FACTUAL BACKGROUND

The opinion concerns an appeal arising from a guilty plea and whether the plea had a sufficient factual basis. The appellate court relied on the plea colloquy, including the State's proffer and defense counsel's stipulation, as well as precedent permitting a trial court to use various sources and procedures to establish a factual basis.

PROCEDURAL HISTORY

Christopher Wilburn appealed from the Circuit Court for Miami-Dade County, Florida, case number F22-19244. The Third District Court of Appeal affirmed in a per curiam opinion, relying on precedent concerning the factual basis required for a plea.

DISPOSITION

affirmed

CASES CITED

- Woodbury v. State, 320 So. 3d 631, 650 (Fla. 2021)
- Williams v. State, 316 So. 2d 267, 273 (Fla. 1975)
- Francis v. State, 121 So. 3d 67, 68-69 (Fla. 3d DCA 2013)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 31, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2015 Lower

Tribunal No. F22-19244 _____ Christopher Wilburn, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Milton Hirsch, Judge.

Christopher Wilburn, in proper person. James Uthmeier, Attorney General, for appellee. Before FERNANDEZ, GORDO and GOODEN, JJ. PER CURIAM. Affirmed. See *Woodbury v. State*, 320 So. 3d 631, 650 (Fla. 2021) (“The inquiry to determine if a plea has a factual basis need not be a mini- trial[.]”) (internal quotation marks and citation omitted); *Williams v. State*, 316 So.

2d 267, 273 (Fla. 1975) (“We hold that the court may satisfy itself by statements and admissions made by the defendant, his counsel, and the prosecutor; by factual evidence heard or filed in the cause, i.e., preliminary hearings, motions to suppress, or depositions taken in the cause.... These are not the exclusive means for a trial court to reach a determination.

The trial court is free to utilize whatever procedure is best for the particular case before it to ensure that the defendant is entering a plea to the proper offense under the facts of the case.”); *Francis v. State*, 121 So. 3d 67, 68-69 (Fla. 3d DCA 2013) (“The State’s proffer during the plea colloquy and defense counsel’s stipulation that there was a factual basis for the plea satisfied the factual basis requirement of Florida Rule of Criminal Procedure 3.172(a).”).