

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.

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).”).