FLORIDA THIRD DISTRICT COURT OF APPEAL

Christian Fresquet v. State of Florida

No. 3D25-0627 · No. 3D25-0627 · Decided June 18, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Christian Fresquet's postconviction relief under Florida Rule of Appellate Procedure 9.141(b)(2). The court concluded that cited decisions concerning Apprendi, Blakely, and Erlinger did not support retroactive relief or vacatur of the appellant's sentence.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	MILLER; GORDO; BOKOR
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 18, 2025
DOCKET	3D25-0627
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from a post-conviction ruling of the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review.
PRECEDENTIAL VALUE	published
PARTIES	Christian Fresquet v. State of Florida

TOPICS

state post-conviction relief · appellate procedure · sentencing · criminal procedure · harmless error

PRACTICE AREAS

criminal procedure · post-conviction relief · sentencing · appellate procedure

QUESTIONS PRESENTED

1. Whether the appellant was entitled to post-conviction relief based on the asserted retroactive application of constitutional sentencing rules discussed in Apprendi, Blakely, and Erlinger.

2. Whether the asserted sentencing error was preserved and cognizable under Florida Rule of Criminal Procedure 3.800(a).
3. Whether any claim of error under Apprendi or Blakely required harmless-error analysis.

HOLDINGS

1. The court affirmed the denial of post-conviction relief, applying precedent that Apprendi and Blakely do not apply retroactively to sentences or resentences that were final when those decisions issued, and that Erlinger did not support vacatur of the challenged sentences in the post-conviction context.
2. A sentencing-jury claim must be preserved before the sentencing hearing, and relief under Florida Rule of Criminal Procedure 3.800(a) is unavailable when resolving the claim requires an evidentiary determination or facts outside the face of the record.
3. Claims of error under Apprendi and Blakely are subject to harmless-error analysis.

KEY QUOTATIONS

> *"the new constitutional rule announced in Blakely does not apply retroactively to sentences or resentences that were final when it issued"* (at 2)

> *"Relief under rule 3.800(a) is precluded where an evidentiary determination is required."* (at 2)

FACTUAL BACKGROUND

The opinion contains no material factual recitation. The appeal concerned a post-conviction challenge involving constitutional sentencing claims, including arguments related to Apprendi, Blakely, and Erlinger.

PROCEDURAL HISTORY

Christian Fresquet appealed the Circuit Court for Miami-Dade County's ruling in lower tribunal case F04-33360. The Third District Court of Appeal affirmed without further explanation, citing authorities addressing retroactivity of constitutional sentencing rules, preservation of sentencing-jury claims, the limits of relief under Florida Rule of Criminal Procedure 3.800(a), and harmless error.

DISPOSITION

affirmed

CASES CITED

- Ford v. State, 402 So. 3d 973 (Fla. 2025)
- State v. Johnson, 122 So. 3d 856 (Fla. 2013)
- Hughes v. State, 901 So. 2d 837 (Fla. 2005)
- Figarola v. State, 841 So. 2d 576 (Fla. 4th DCA 2003)
- Luton v. State, 934 So. 2d 7 (Fla. 3d DCA 2006)
- Theophile v. State, 967 So. 2d 948 (Fla. 1st DCA 2007)

- Plott v. State, 148 So. 3d 90 (Fla. 2014)

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