

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Ramos v. State of Florida

No. 2D2024-2743 (Fla. 2d DCA May 29, 2026) · No. 2D2024-2743 · Decided May 29, 2026

SUMMARY

The Florida Second District Court of Appeal reviewed the summary denial of claims in Vincent Ramos's motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. The court held that the postconviction court improperly summarily denied ground twelve, which alleged ineffective assistance for failing to consult or retain an independent medical expert, because the court did not address the specific argument presented. The court reversed and remanded for an evidentiary hearing on that ground and affirmed the order in all other respects.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Silberman, J.; Villanti, J.; Atkinson, J.
JURISDICTION	Florida District Court of Appeal, Second District
DECIDED	May 29, 2026
DOCKET	2D2024-2743
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the summary denial of claims raised in a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850.
STANDARD OF REVIEW	De novo review applies to the summary denial of a motion for postconviction relief. Summary denial is proper only when the claims are facially invalid or conclusively refuted by the record.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Vincent Ramos v. State of Florida

TOPICS

[post-conviction relief](#)[ineffective assistance](#)[evidence](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

[criminal procedure](#)[post-conviction relief](#)[ineffective assistance](#)

QUESTIONS PRESENTED

1. Whether the postconviction court properly summarily denied Ramos's ineffective-assistance claim alleging that trial counsel failed to consult or retain an independent medical expert.
2. Whether the allegations in ground twelve were facially sufficient and conclusively refuted by the record such that no evidentiary hearing was required.

HOLDINGS

1. The postconviction court improperly summarily denied ground twelve because it failed to address Ramos's specific allegation that an independent OB/GYN could have testified that physical signs of intercourse would have been apparent given the alleged nature and frequency of penetration.
2. The order denying the remaining challenged postconviction grounds was affirmed.

KEY QUOTATIONS

“For a summary denial to be upheld on review, ‘the claims must be facially invalid or conclusively refuted by the record.’” (at 1)

“A claim ‘that counsel should have called an expert at trial to counter the nurse’s testimony’ and to testify ‘that there would have been physical injury to the victim if there were multiple penetrations over the days as she reported . . . is legally sufficient and warrants further review.’” (at 3)

FACTUAL BACKGROUND

Ramos was convicted of two counts of unlawful sexual battery of a minor. At trial, medical examiner Valerie Hill testified that the victim's examination yielded no evidence of physical abuse and that more than ninety-eight percent of the examinations she had conducted showed no signs of injury from sexual activity. In ground twelve of his postconviction motion, Ramos alleged that trial counsel was ineffective for failing to consult or retain an independent medical expert who could testify that physical signs of intercourse would have been apparent given the nature and frequency of the alleged acts.

PROCEDURAL HISTORY

Ramos was convicted of two counts of unlawful sexual battery of a minor and sentenced to fifteen years' imprisonment followed by two years of probation. His direct appeal was affirmed. In his Rule 3.850 motion, he raised fifteen grounds; twelve were summarily denied, two were denied after an evidentiary hearing, and one was voluntarily withdrawn. On appeal, he challenged only the summary denial of certain grounds.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must conduct an evidentiary hearing on ground twelve of Ramos's Rule 3.850 motion. The order is affirmed in all other respects.

CASES CITED

- Ramos v. State, 321 So. 3d 725 (Fla. 2d DCA 2021)
- Macias v. State, 331 So. 3d 1260, 1262 (Fla. 2d DCA 2022)
- Woodbury v. State, 302 So. 3d 492, 493 (Fla. 2d DCA 2020)
- Johnson v. State, 313 So. 3d 894, 896 (Fla. 2d DCA 2021)
- Bynum v. State, 377 So. 3d 1221, 1222 (Fla. 2d DCA 2024)
- Martin v. State, 205 So. 3d 811, 812 (Fla. 2d DCA 2016)
- Deparvine v. State, 146 So. 3d 1071, 1082-83 (Fla. 2014)
- Miller v. State, 328 So. 3d 1027, 1029 (Fla. 2d DCA 2021)
- Townsend v. State, 201 So. 3d 716, 718 (Fla. 4th DCA 2016)
- Ramos v. State, 411 So. 3d 433, 434 (Fla. 4th DCA 2025)