

FLORIDA THIRD DISTRICT COURT OF APPEAL

Johnathan Simon v. The State of Florida

No. 3D24-1557 (Fla. 3d DCA Sept. 17, 2025) · No. 3D24-1557 · Decided September 17, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Johnathan Simon’s fourth motion for post-conviction relief under Florida Rule of Criminal Procedure 3.800. The court held that the motion was procedurally barred as successive because it attempted to relitigate issues raised and decided in prior motions.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Fernandez, J.; Lindsey, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 17, 2025
DOCKET	3D24-1557
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of Simon's fourth motion for post-conviction relief under Florida Rule of Criminal Procedure 3.800, reviewed under Florida Rule of Appellate Procedure 9.141(b)(2).
PRECEDENTIAL VALUE	published
PARTIES	Johnathan Simon v. The State of Florida

TOPICS

- successive petitions
- state post-conviction relief
- sentence modification
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether Simon's most recent Rule 3.800 motion was procedurally barred as a successive motion because it sought to relitigate issues previously raised and decided on the merits.

HOLDINGS

1. A successive Rule 3.800 motion is procedurally barred when it seeks to relitigate issues that were previously presented and decided on the merits; Simon's motion was therefore barred.

KEY QUOTATIONS

“Because Appellant’s most recent Rule 3.800 motion is an attempt to relitigate similar issues raised in previous motions, which were all denied on the merits, it is procedurally barred as successive.”

FACTUAL BACKGROUND

Simon was convicted of first-degree murder with a firearm, discharged resulting in death or great bodily harm, and attempted second-degree murder with actual possession and discharge of a firearm. In his fourth motion for post-conviction relief, he challenged the lawfulness of his sentence and attempted to relitigate issues raised in earlier motions that had been denied on the merits.

PROCEDURAL HISTORY

Simon filed a fourth Rule 3.800 motion challenging the legality of his sentence following convictions for first-degree murder with a firearm and attempted second-degree murder involving a firearm. The Circuit Court for Miami-Dade County denied the motion as procedurally barred because it sought to relitigate issues raised and decided on the merits in prior motions. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. McBride, 848 So. 2d 287, 290-91 (Fla. 2003)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1557 Lower Tribunal No. F09-29998 _____ Johnathan Simon, Appellant, vs. The State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Miguel M. de la O, Judge.

Johnathan Simon, in proper person. James Uthmeier, Attorney General, and Daihana Chang, Assistant Attorney General, for appellee. Before FERNANDEZ, LINDSEY and BOKOR, JJ. PER CURIAM. In his fourth motion for post-conviction relief, Appellant Johnathan Simon seeks redress for what he alleges is an unlawful sentence following his convictions for First Degree

Murder with a firearm, discharged resulting in death or great bodily harm, and Attempted Second Degree Murder with actual possession and discharge of a firearm.

Because Appellant's most recent Rule 3.800 motion is an attempt to relitigate similar issues raised in previous motions, which were all denied on the merits, it is procedurally barred as successive. *State v. McBride*, 848 So. 2d 287, 290-91 (Fla. 2003) (holding that, although res judicata and Rule 3.800 allow a defendant to file successive 3.800 motions raising new issues, collateral estoppel bars such motions which litigate issues previously presented and decided).

Thus, the trial court did not err in denying it as such. Accordingly, we affirm. Affirmed. 2