

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.

OPINION

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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