

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, JACKSONVILLE DIVISION

Jerome Antonio Lundy v. Secretary, Florida Department of
Corrections

Lundy · No. 3:23-cv-134-HES-MCR · Decided January 23, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Jerome Antonio Lundy’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court rejected his ineffective-assistance-of-trial-counsel claim concerning alleged advice about a plea offer and sentencing consequences, dismissed the action with prejudice, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Jacksonville Division
WRITING FOR THE COURT	Harvey E. Schlesinger
JURISDICTION	United States District Court for the Middle District of Florida, Jacksonville Division
DECIDED	January 23, 2026
DOCKET	3:23-cv-134-HES-MCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a Florida conviction and sentence on the ground that trial counsel provided ineffective assistance by failing to advise petitioner adequately about sentencing consequences and a purported ten-year plea offer.

STANDARD OF REVIEW	Under AEDPA, relief is unavailable for a claim adjudicated on the merits in state court unless the state decision was contrary to, or involved an unreasonable application of, clearly established federal law, or was based on an unreasonable determination of the facts under 28 U.S.C. § 2254(d). State factual findings are presumed correct under § 2254(e)(1), subject to rebuttal by clear and convincing evidence. Ineffective-assistance claims are evaluated under Strickland v. Washington, with additional deference to the state court's application of Strickland.
PRECEDENTIAL VALUE	Unknown; unpublished federal district court order
PARTIES	Jerome Antonio Lundy v. Secretary, Florida Department of Corrections

TOPICS

federal habeas corpus post-conviction relief ineffective assistance plea bargaining sixth amendment

PRACTICE AREAS

federal habeas corpus criminal procedure post-conviction relief ineffective assistance plea bargaining

QUESTIONS PRESENTED

1. Whether trial counsel provided ineffective assistance by failing to advise Lundy adequately about the sentencing consequences of proceeding to trial.
2. Whether trial counsel was ineffective in connection with a purported ten-year plea offer.
3. Whether an evidentiary hearing was required in the federal habeas proceeding.
4. Whether Lundy was entitled to a certificate of appealability.

HOLDINGS

1. Lundy was not entitled to federal habeas relief because the state courts reasonably rejected his ineffective-assistance claim. The state court's credibility findings that no ten-year plea offer was made and that counsel's testimony regarding his customary practice was credible were not rebutted by clear and convincing evidence.
2. No federal evidentiary hearing was warranted because the existing record adequately resolved the claim and otherwise precluded habeas relief.
3. A certificate of appealability was denied because Lundy did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“It follows that if the record refutes the applicant’s factual allegations or otherwise precludes habeas relief, a district court is not required to hold an evidentiary hearing.” (4)

“Trial counsel cannot be ineffective for misadvising the Defendant about the State’s plea offer when no plea offer was ever made.” (14)

“The Court finds Petitioner has failed to provide any evidence to meet his burden of overcoming the presumption of correctness as to the circuit court’s factual finding that counsel’s testimony was credible.” (14)

“The Court finds this claim is conclusory and speculative because Petitioner merely alleges, without support, that the State would have offered a plea deal, the trial court would have approved the deal, and Petitioner would have accepted it.” (16)

FACTUAL BACKGROUND

Lundy was convicted after a 2011 jury trial of attempted first-degree murder, attempted second-degree murder, and discharging a firearm from a vehicle. He alleged that trial counsel failed to advise him that conviction at trial could result in life imprisonment and that counsel failed to adequately communicate a purported ten-year plea offer. At the state post-conviction evidentiary hearing, trial counsel testified that he would have discussed any plea offer and the maximum sentence as part of his ordinary practice, while the relevant files contained no notation of such an offer.

PROCEDURAL HISTORY

A Duval County, Florida jury convicted Lundy in 2011 of attempted first-degree murder, attempted second-degree murder, and discharging a firearm from a vehicle, and the state trial court imposed life and term-of-years sentences. The Florida First District Court of Appeal affirmed the conviction and sentence in 2012. After an evidentiary hearing, the state circuit court denied Lundy’s Florida Rule of Criminal Procedure 3.850 motion, and the First District Court of Appeal affirmed without a written opinion in 2023. The federal district court denied the amended § 2254 petition, dismissed the action with prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Chavez v. Secretary, Florida Department of Corrections, 647 F.3d 1057, 1060 (11th Cir. 2011)
- Schiro v. Landrigan, 550 U.S. 465, 474 (2007)
- Jones v. Secretary, Florida Department of Corrections, 834 F.3d 1299, 1318-19 (11th Cir. 2016)
- Turner v. Crosby, 339 F.3d 1247, 1275 (11th Cir. 2003)
- Ledford v. Warden, Georgia Diagnostic & Classification Prison, 818 F.3d 600, 642 (11th Cir. 2016)
- Smith v. Commissioner, Alabama Department of Corrections, 67 F.4th 1335, 1348 (11th Cir. 2023)
- Greene v. Fisher, 565 U.S. 34, 38 (2011)
- Hill v. Humphrey, 662 F.3d 1335, 1343 (11th Cir. 2011)

- Marshall v. Secretary, Florida Department of Corrections, 828 F.3d 1277, 1285 (11th Cir. 2016)
- Harrington v. Richter, 562 U.S. 86, 97-104 (2011)
- Wilson v. Sellers, 584 U.S. 122, 125-26, 132 (2018)
- Williams v. Taylor, 529 U.S. 362, 413 (2000)
- Burt v. Titlow, 571 U.S. 12, 15 (2013)
- Brumfield v. Cain, 576 U.S. 305, 314 (2015)
- Tharpe v. Warden, 834 F.3d 1328, 1337-38 (11th Cir. 2016)
- Cullen v. Pinholster, 563 U.S. 170, 182 (2011)
- Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (per curiam)
- Wiggins v. Smith, 539 U.S. 510, 521 (2003)
- Strickland v. Washington, 466 U.S. 668, 687-89, 693-94, 697 (1984)
- Knowles v. Mirzayance, 556 U.S. 111, 123, 128 (2009)
- Dasher v. Attorney General, 574 F.3d 1310, 1314 (11th Cir. 2009)
- Alcorn v. State, 121 So. 3d 419 (Fla. 2013)
- Tejada v. Dugger, 941 F.2d 1551, 1559 (11th Cir. 1991)
- Jenkins v. Commissioner, Alabama Department of Corrections, 963 F.3d 1248, 1264 (11th Cir. 2020)
- Tennard v. Dretke, 542 U.S. 274, 282 (2004)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)

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