

FLORIDA THIRD DISTRICT COURT OF APPEAL

Felton Sears v. State of Florida

No. 3D26-0792 (Fla. 3d DCA May 27, 2026) · No. 3D26-0792 · Decided May 27, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court in a post-conviction appeal brought under Florida Rule of Appellate Procedure 9.141(b)(2). The court relied on State v. Iseley regarding the sufficiency of a clear jury finding that a firearm was used during the commission of the offense.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Logue, J.; Lindsey, J.; Gordo, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 27, 2026
DOCKET	3D26-0792
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County.
PRECEDENTIAL VALUE	published
PARTIES	Felton Sears v. State of Florida

TOPICS

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

PRACTICE AREAS

- criminal appellate practice
- post-conviction relief
- sentencing

QUESTIONS PRESENTED

1. Whether the circuit court's ruling should be affirmed under State v. Iseley concerning the required clear jury finding relating to firearm use.

HOLDINGS

1. The circuit court's ruling is affirmed because State v. Iseley controls the issue addressed on appeal.

KEY QUOTATIONS

“The requisite ‘clear jury finding’ was made in this case. This jury’s finding that Iseley was guilty of aggravated assault with a firearm as charged in the information is consistent with both the language of the information and the evidence adduced at trial. The information expressly charged that a firearm was used during the commission of the aggravated assault. Our review of the record establishes that the only deadly weapon involved in this case was the firearm referenced in the information and that there was no dispute that the weapon met the definition of a firearm. Consequently, we conclude that because the verdict form contained an express reference to the use of a firearm in the commission of the crime, the evidence supports that finding required by section 775.087, and the verdict of guilt of aggravated assault with a firearm constituted the clear jury finding necessary under our precedent.” (2)

FACTUAL BACKGROUND

The opinion contains no independent factual narrative. It relies on State v. Iseley concerning whether a verdict constitutes the clear jury finding required for a firearm sentencing enhancement under section 775.087.

PROCEDURAL HISTORY

Felton Sears appealed from a decision of the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed per curiam, relying on State v. Iseley.

DISPOSITION

affirmed

CASES CITED

- State v. Iseley, 944 So. 2d 227, 231 (Fla. 2006)

OPINION

Felton Sears v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 27, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D26-0792 Lower Tribunal No. F10-32949-A _____ Felton Sears, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Jason Bloch, Judge. Felton Sears, in proper person. James Uthmeier, Attorney General, and Lourdes B. Fernandez, Assistant Attorney General, for appellee. Before LOGUE, LINDSEY, and GORDO, JJ. PER CURIAM. Affirmed. See State v. Iseley, 944 So. 2d 227, 231 (Fla. 2006) (“The requisite ‘clear jury finding’ was made in this case. This jury’s finding that Iseley was guilty of aggravated assault with a firearm as charged in the information is

consistent with both the language of the information and the evidence adduced at trial. The information expressly charged that a firearm was used during the commission of the aggravated assault. Our review of the record establishes that the only deadly weapon involved in this case was the firearm referenced in the information and that there was no dispute that the weapon met the definition of a firearm. Consequently, we conclude that because the verdict form contained an express reference to the use of a firearm in the commission of the crime, the evidence supports that finding required by section 775.087, and the verdict of guilt of aggravated assault with a firearm constituted the clear jury finding necessary under our precedent.”). 2