

FLORIDA THIRD DISTRICT COURT OF APPEAL

Billy L. Culpepper v. State of Florida

No. 3D25-1360 · No. No. 3D25-1360 · Decided September 10, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Billy L. Culpepper's post-conviction appeal under Florida Rule of Appellate Procedure 9.141(b)(2). The court relied on recent Florida decisions holding that Erlinger v. United States does not apply retroactively to final cases and does not support vacatur of the sentences at issue.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Emas; Lobree; Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 10, 2025
DOCKET	No. 3D25-1360
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from an order of the Circuit Court for Miami-Dade County in a postconviction proceeding.
PRECEDENTIAL VALUE	Published
PARTIES	Billy L. Culpepper v. The State of Florida

TOPICS

- post-conviction relief
- state post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether Erlinger v. United States constitutes a change in law that applies retroactively in this postconviction proceeding.

HOLDINGS

1. Erlinger v. United States does not apply retroactively to cases that were final when Erlinger was decided, even if Erlinger constituted a change in law.

FACTUAL BACKGROUND

The opinion contains no substantive account of the underlying criminal conduct or the specific postconviction claim. It identifies the matter as an appeal under Florida Rule of Appellate Procedure 9.141(b)(2) and resolves the appeal by affirmance based on cited precedent concerning the retroactive application of Erlinger v. United States.

PROCEDURAL HISTORY

Culpepper appealed from the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed without further discussion, citing Florida decisions addressing whether Erlinger v. United States applies retroactively in postconviction cases.

DISPOSITION

affirmed

CASES CITED

- Wainwright v. State, 411 So. 3d 392, 399 (Fla. 2025)
- Erlinger v. United States, 602 U.S. 821 (2024)
- Ford v. State, 402 So. 3d 973, 981 (Fla. 2025)
- Arias v. State, 413 So. 3d 999 (Fla. 3d DCA 2025)

OPINION

Billy L. Culpepper v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 10, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1360 Lower Tribunal No. F98-42611 _____ Billy L. Culpepper, 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, Jason Edward Bloch, Judge. Billy L. Culpepper, in proper person. James Uthmeier, Attorney General, for appellee. Before EMAS, LOBREE and BOKOR, JJ. PER CURIAM. Affirmed. See Wainwright v. State, 411 So. 3d 392, 399 (Fla. 2025) (holding that, even if Erlinger v. United States, 602 U.S. 821 (2024), constitutes a change in law, it does not apply retroactively to cases that were final when it was decided); Ford v. State, 402 So. 3d 973, 981 (Fla. 2025) (“But Erlinger was a direct-appeal case—not a postconviction case like Ford’s—and it involved required jury findings regarding an element. Based on these fundamental

distinctions, it is clear that Erlinger provides no support for vacating Ford's death sentences.”);
Arias v. State, 413 So. 3d 999 (Fla. 3d DCA 2025). 2

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/florida-third-district-court-of-appeal-florida-third-district-court-of-appeal/2025/billy-l-culpepper-v-state-of-florida-am22ivji>