

FLORIDA THIRD DISTRICT COURT OF APPEAL

Billy L. Culpepper v. State of Florida

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