

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Julio J. Garcia v. The State of Florida

Garcia · No. 3D24-1490 · Decided April 30, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court’s decision in Julio J. Garcia’s appeal under Florida Rule of Appellate Procedure 9.141(b)(2). The court relied on authorities holding that dismissal of an appeal restores jurisdiction to the trial court to address pending post-conviction motions and leaves the underlying judgment effective.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Lindsey; Miller; Gordo
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	April 30, 2025
DOCKET	3D24-1490
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	Not expressly stated; the court affirmed per curiam without elaboration.
PRECEDENTIAL VALUE	Published
PARTIES	Julio J. Garcia v. The State of Florida

TOPICS

- post-conviction relief
- appellate procedure
- appellate jurisdiction
- final judgment rule
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether dismissal of a direct appeal restored the trial court's jurisdiction to consider pending post-conviction motions or pleadings despite the absence of an appellate mandate.

HOLDINGS

1. When a direct appeal is dismissed, jurisdiction returns to the trial court to consider and rule on pending post-conviction motions or pleadings; the judgment and sentence are final for purposes of post-conviction relief when direct review proceedings have concluded.

KEY QUOTATIONS

“It is basic that upon the dismissal of the appeal, jurisdiction of the trial court was reactivated to consider and rule upon any and all motions and pleadings pending in the cause.” (at 2)

“A judgment and sentence “become final” when direct review proceedings are concluded, and jurisdiction to entertain motions for post-conviction relief returns to the trial court.” (at 2)

“where an appeal is dismissed, that dismissal leaves the trial court’s judgment in the same status as if no appellate proceeding had ever been taken, and its effectiveness as an estoppel remains unimpaired.” (at 2)

FACTUAL BACKGROUND

The opinion concerns the effect of dismissal of a direct appeal on the trial court's jurisdiction to consider pending post-conviction motions or pleadings. The court relied on precedent holding that dismissal of an appeal restores the trial court's jurisdiction and leaves the trial-court judgment effective as though no appellate proceeding had occurred.

PROCEDURAL HISTORY

Garcia appealed from a proceeding in the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed the lower court's disposition, relying on authority concerning the restoration of trial-court jurisdiction after dismissal of a direct appeal and the availability of post-conviction relief after direct review concludes.

DISPOSITION

affirmed

CASES CITED

- Sperry Builders, Inc. v. Dewbar Dev. Corp., 400 So. 2d 192, 193 (Fla. 3d DCA 1981)
- Brown v. State, 802 So. 2d 526, 527 (Fla. 1st DCA 2001)
- Baggett v. State, 637 So. 2d 303 (Fla. 1st DCA 1994)
- Ge v. Swearingen & Assocs., Inc., 328 So. 3d 58, 60 (Fla. 5th DCA 2021)
- Morley v. State, 446 So. 2d 259, 260 (Fla. 1st DCA 1984)

OPINION

Julio J. Garcia v. the State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 30, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1490 Lower Tribunal No. F20-14622B _____ Julio J. Garcia, 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, Lody Jean, Judge. Julio J. Garcia, in proper person. James Uthmeier, Attorney General, and Daniel Colmenares, Assistant Attorney General, for appellee. Before LINDSEY, MILLER, and GORDO, JJ. PER CURIAM. Affirmed. See *Sperry Builders, Inc. v. Dewbar Dev. Corp.*, 400 So. 2d 192, 193 (Fla. 3d DCA 1981) (“It is basic that upon the dismissal of the appeal, jurisdiction of the trial court was reactivated to consider and rule upon any and all motions and pleadings pending in the cause.”); *Brown v. State*, 802 So. 2d 526, 527 (Fla. 1st DCA 2001) (“The state argues that the direct appeal did not toll the time for filing a motion for postconviction relief pursuant to rule 3.850 because this Court dismissed the appeal on April 15, 1997, and because no mandate ever issued. However, ‘[a] judgment and sentence “become final” when direct review proceedings are concluded, and jurisdiction to entertain motions for post-conviction relief returns to the trial court.’”) (quoting *Baggett v. State*, 637 So. 2d 303 (Fla. 1st DCA 1994)) (brackets in original); see also *Ge v. Swearingen & Assocs., Inc.*, 328 So. 3d 58, 60 (Fla. 5th DCA 2021) (“When the circuit court sua sponte dismissed the appeal and neither side sought further appellate review, that had the effect of restoring the 2017 order to full effectiveness. [W]here an appeal is dismissed, that dismissal leaves the trial court’s judgment in the same status as if no appellate proceeding had ever been taken, and its effectiveness as an estoppel remains unimpaired.”) (quoting *Morley v. State*, 446 So. 2d 259, 260 (Fla. 1st DCA 1984)) (brackets in original) (internal quotation marks omitted). 2