

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Damien Broughton v. State of Florida

Broughton · No. 3D24-1796 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the summary denial of Damien Broughton's motion under Florida Rule of Criminal Procedure 3.850 alleging ineffective assistance of counsel and seeking additional jail credit. The court held that Broughton did not provide sufficient evidence showing that he was held in Louisiana or Tennessee solely on the Florida charge, and that credit for incarceration in other jurisdictions is discretionary rather than required by law.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Miller; Lobree; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	3D24-1796
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the summary denial of a Florida Rule of Criminal Procedure 3.850 motion alleging ineffective assistance of counsel based on the failure to award credit for time incarcerated in other states.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviewed the summary denial of the Rule 3.850 motion for error.
PRECEDENTIAL VALUE	Published opinion; precedential status is subject to finality after disposition of any timely rehearing motion.
PARTIES	Damien Broughton v. State of Florida

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether Broughton was entitled to credit against his Florida sentence for time spent incarcerated in Louisiana and Tennessee.
2. Whether Broughton established ineffective assistance of counsel based on counsel's alleged failure to obtain credit for the out-of-state incarceration.
3. Whether the trial court erred by summarily denying the Rule 3.850 motion.

HOLDINGS

1. Florida Statutes section 921.161(1) requires credit for qualifying time spent in a Florida county jail, but it does not create a legal entitlement to credit for incarceration in other jurisdictions.
2. Broughton failed to establish ineffective assistance of counsel because he did not provide sufficient information and documentation to prove that he was held in another state solely on the Florida charge.

KEY QUOTATIONS

“But “the term ‘county jail’ is applicable only to Florida jails” and does not apply to “incarceration in other jurisdictions.”” (at 2)

“The trial judge does, however, have the inherent discretionary authority to award credit for time served in other jurisdictions while awaiting transfer to Florida.” (at 2)

FACTUAL BACKGROUND

Broughton pleaded guilty to attempted felony murder and armed robbery and was sentenced to concurrent terms of ten years in prison followed by five years of probation. While on probation, he was incarcerated in Louisiana and Tennessee on charges arising in those states, and he was later arrested in Florida for violating probation. He claimed that time spent in Louisiana and Tennessee should have been credited against his Florida sentence, but the documents he submitted showed that the out-of-state detention was related to charges pending in those jurisdictions.

PROCEDURAL HISTORY

Broughton pleaded guilty to attempted felony murder and armed robbery and received concurrent ten-year prison sentences followed by five years of probation. After violating probation and being resentenced, he moved for post-conviction relief, seeking 1,162 days of credit for time held in Louisiana and Tennessee. The trial court summarily denied the motion, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Kronz v. State, 462 So. 2d 450, 451 (Fla. 1985)

- Garnett v. State, 957 So. 2d 32, 33 (Fla. 2d DCA 2007)
- Kennedy v. State, 547 So. 2d 912, 913 (Fla. 1989)
- Gomez v. State, 984 So. 2d 577, 580 (Fla. 4th DCA 2008)
- Hopping v. State, 650 So. 2d 1087, 1088 (Fla. 3d DCA 1995)

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