

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Lagasse v. State of Florida

No. 2D2024-1144 (Fla. 2d DCA June 25, 2025) · No. 2D2024-1144 · Decided June 25, 2025

SUMMARY

The Florida Second District Court of Appeal affirmed Melissa Anne Lagasse's sentence, which exceeded an agreed-upon sentencing cap after she failed to appear at sentencing. The court held that her unpreserved challenge to the trial court's failure to make findings that her absence was willful could not be raised as ineffective assistance of counsel on direct appeal absent fundamental error. The affirmance was without prejudice to pursuing ineffective assistance through a motion under Florida Rule of Criminal Procedure 3.850.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Smith, J.; Labrit, J.; Atkinson, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	June 25, 2025
DOCKET	2D2024-1144
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a sentence imposed after the appellant failed to appear at sentencing and did not object to the absence of findings that her failure to appear was willful.
STANDARD OF REVIEW	The court applied preservation principles and considered whether the asserted error was fundamental; it did not state a separate standard of review.
PRECEDENTIAL VALUE	Published Florida Second District Court of Appeal opinion
PARTIES	Melissa Anne Lagasse v. State of Florida

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Lagasse could obtain direct appellate review of the trial court's failure to make willfulness findings when she did not object below.
2. Whether the lack of an objection could be treated on direct appeal as ineffective assistance of counsel apparent on the face of the record.
3. Whether the sentence should be affirmed despite the unpreserved challenge.

HOLDINGS

1. An unpreserved claim of ineffective assistance of counsel cannot be raised or result in reversal on direct appeal absent a showing of fundamental error.
2. A defendant must object during the sentencing proceedings to the trial court's failure to make willfulness findings in order to preserve that challenge for appeal.
3. The sentence is affirmed because Lagasse failed to preserve her challenge and did not establish fundamental error.

KEY QUOTATIONS

“unpreserved claims of ineffective assistance of counsel cannot be raised or result in reversal on direct appeal” absent a showing of fundamental error.” (at 2)

“Affirmance is without prejudice to any right Ms. Lagasse may have to raise her claim of ineffective assistance of counsel pursuant to Florida Rule of Criminal Procedure 3.850.” (at 2)

FACTUAL BACKGROUND

Lagasse entered a Quaterman agreement permitting the trial court to impose a greater lawful sentence if she failed to appear at sentencing. She failed to appear, and the trial court imposed a sentence above the agreed-upon cap without making findings that her failure to appear was willful. Lagasse did not move to withdraw her plea and her counsel did not make a formal objection to the increased sentence.

PROCEDURAL HISTORY

Lagasse entered a Quaterman agreement under which the trial court could impose a greater lawful sentence if she failed to appear at sentencing. She failed to appear, and the circuit court imposed a sentence above the agreed-upon cap. On direct appeal, she challenged the sentence and argued that the lack of a contemporaneous objection should be treated as ineffective assistance of counsel apparent on the face of the record.

DISPOSITION

affirmed

CASES CITED

- Quarterman v. State, 527 So. 2d 1380 (Fla. 1988)
- Norman v. State, 43 So. 3d 771, 773 (Fla. 2d DCA 2010)
- Neeld v. State, 977 So. 2d 740, 743 (Fla. 2d DCA 2008)
- Lowery v. State, 22 So. 3d 745, 747 (Fla. 2d DCA 2009)
- Smith v. State, 988 So. 2d 1258, 1260 (Fla. 5th DCA 2008)
- Steiger v. State, 328 So. 3d 926, 929 (Fla. 2021)
- Melendez v. State, 339 So. 3d 498, 501 (Fla. 2d DCA 2022)
- Cruz v. State, 303 So. 3d 285, 286 (Fla. 5th DCA 2020)

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