

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Carlos Couto v. State of Florida

Couto · No. 3D24-1081 · Decided October 8, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed Carlos Couto’s conviction and sentence for first-degree grand theft. The court held that the trial court acted within its discretion in limiting defense counsel’s cross-examination of the victim and closing argument because the questioning was not relevant to the defense theory and the argument exceeded the scope of the evidence.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Scales; Judge Gordo; Judge Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 8, 2025
DOCKET	3D24-1081
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction and sentence for first-degree grand theft.
STANDARD OF REVIEW	Abuse of discretion.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Carlos Couto v. State of Florida

TOPICS

- appellate procedure
- standard of review
- evidence
- impeachment
- criminal procedure

PRACTICE AREAS

- criminal procedure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by limiting defense counsel's cross-examination of the victim.

2. Whether the trial court abused its discretion by limiting defense counsel's closing argument.

HOLDINGS

1. The trial court did not abuse its discretion by limiting defense counsel's cross-examination of the victim because the questioning concerned an area neither germane to the victim's testimony nor relevant to Couto's theory of defense.
2. The trial court did not abuse its discretion by limiting defense counsel's closing argument because the argument was outside the scope of the evidence.

KEY QUOTATIONS

“The trial court was well within its discretion in limiting defense counsel’s cross-examination of the victim because defense counsel’s line of questioning concerned an area neither germane to the victim’s testimony nor relevant to Couto’s theory of defense.” (at 2)

“The trial court did not abuse its discretion in limiting defense counsel’s closing argument because defense counsel’s argument was outside the scope of the evidence.” (at 2)

FACTUAL BACKGROUND

Couto was convicted and sentenced for first-degree grand theft. On appeal, he challenged the trial court's limitations on defense counsel's cross-examination of the victim and closing argument.

PROCEDURAL HISTORY

Couto was convicted and sentenced in the Circuit Court for Miami-Dade County. He appealed, arguing that the trial court improperly limited defense counsel's cross-examination of the victim and closing argument.

DISPOSITION

affirmed

CASES CITED

- Smith v. State, 38 So. 3d 871, 872-73 (Fla. 4th DCA 2010)
- Bush v. State, 295 So. 3d 179, 208 (Fla. 2020)
- Perez v. State, 949 So. 2d 363, 365 (Fla. 2d DCA 2007)
- Bigham v. State, 995 So. 2d 207, 215 (Fla. 2008)

OPINION

Carlos Couto v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 8, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1081 Lower

Tribunal No. F20-15088 _____ Carlos Couto, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge. Law Offices of Michelle Walsh, P.A., and Michelle R. Walsh, for appellant. James Uthmeier, Attorney General, and Sandra Lipman, Senior Assistant Attorney General, for appellee. Before SCALES, C.J., and GORDO and BOKOR, JJ. PER CURIAM. Carlos Couto appeals his conviction and sentence for first-degree grand theft. Couto asserts that the trial court abused its discretion by (i) limiting defense counsel's cross-examination of the victim,¹ and (ii) limiting defense counsel's closing argument.² The trial court was well within its discretion in limiting defense counsel's cross-examination of the victim because defense counsel's line of questioning concerned an area neither germane to the victim's testimony nor relevant to Couto's theory of defense. See *Smith v. State*, 38 So. 3d 871, 872-73 (Fla. 4th DCA 2010). The trial court did not abuse its discretion in limiting defense counsel's closing argument because defense counsel's argument was outside the scope of the evidence. See *Bush v. State*, 295 So. 3d 179, 208 (Fla. 2020). Affirmed. 1 See *Perez v. State*, 949 So. 2d 363, 365 (Fla. 2d DCA 2007) ("On appeal, we review a trial court's limitation of cross-examination for an abuse of discretion."). 2 See *Bigham v. State*, 995 So. 2d 207, 215 (Fla. 2008) ("It is within the trial judge's discretion to determine when an attorney's argument is improper, and such determination will not be upset absent abuse of discretion by [the] lower court judge."). 2