

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Billy Baker v. State of Florida

Baker · No. No. 3D25-1789 · Decided April 8, 2026

SUMMARY

The Third District Court of Appeal of Florida denied Billy Baker’s petition for a writ of habeas corpus alleging ineffective assistance of appellate counsel. The court held that counsel was not deficient for failing to raise an argument based on precedent from which the Florida Supreme Court had receded, and rejected Baker’s second argument without discussion.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	SCALES, C.J.; LOBREE, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 8, 2026
DOCKET	No. 3D25-1789
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original-jurisdiction habeas corpus petition alleging ineffective assistance of appellate counsel after affirmance of a murder conviction and life sentence.
STANDARD OF REVIEW	To establish ineffective assistance of appellate counsel, the petitioner must identify specific errors or omissions showing performance outside the range of professionally acceptable performance and show that the deficiency compromised the appellate process so as to undermine confidence in the fairness and correctness of the appellate result.
PRECEDENTIAL VALUE	Published
PARTIES	Billy Baker, Petitioner v. State of Florida, Respondent

TOPICS

- habeas corpus
- ineffective assistance
- appellate procedure
- post-conviction relief
- criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

appellate procedure

habeas corpus

ineffective assistance

QUESTIONS PRESENTED

1. Whether appellate counsel was ineffective for failing to argue that the trial court committed fundamental error by instructing the jury on the lesser-included offense of attempted voluntary manslaughter by act.
2. Whether Baker was entitled to habeas corpus relief based on his second asserted ground, which the court rejected without further discussion.

HOLDINGS

1. Baker was not entitled to habeas corpus relief because appellate counsel was not deficient for failing to raise an argument based on Montgomery; the Florida Supreme Court had already receded from Montgomery, and the argument would have been meritless and rejected by the district court.

KEY QUOTATIONS

“Petitioner must show 1) specific errors or omissions which show that appellate counsel’s performance deviated from the norm or fell outside the range of professionally acceptable performance and 2) the deficiency of that performance compromised the appellate process to such a degree as to undermine confidence in the fairness and correctness of the appellate result.” (at 1)

“Counsel cannot be deemed deficient for failing to make a meritless argument.” (at 2)

FACTUAL BACKGROUND

Baker was convicted of second-degree murder for the killing of his fiancée, Candice Cooper, and received a life sentence. After the conviction and sentence were affirmed on direct appeal, Baker alleged that appellate counsel was ineffective for failing to argue that the trial court committed fundamental error in instructing the jury on attempted voluntary manslaughter by act.

PROCEDURAL HISTORY

Baker was convicted of second-degree murder and sentenced to life in prison. The Third District affirmed the conviction and sentence in *Baker v. State*, 364 So. 3d 1072 (Fla. 3d DCA 2023). Baker then petitioned the Third District for a writ of habeas corpus, alleging ineffective assistance of appellate counsel. The court denied the petition.

DISPOSITION

writ_denied

CASES CITED

- *Baker v. State*, 364 So. 3d 1072 (Fla. 3d DCA 2023)
- *Wilson v. Wainwright*, 474 So. 2d 1162, 1163 (Fla. 1985)
- *State v. Montgomery*, 39 So. 3d 252 (Fla. 2010)

- Knight v. State, 286 So. 3d 147, 154 (Fla. 2019)
- Hoffman v. Jones, 280 So. 2d 431, 440 (Fla. 1973)
- Solares v. City of Miami, 166 So. 3d 887, 888 (Fla. 3d DCA 2015)
- Merck v. State, 124 So. 3d 785, 800 (Fla. 2013)
- Rutherford v. Moore, 774 So. 2d 637, 643 (Fla. 2000)