

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Victor A. Huerte v. Ricky Dixon, Secretary, Department of Corrections, et al.

No. 3D25-0647; Lower Tribunal No. F07-1958-C · No. No. 3D25-0647 · Decided September 3, 2025

SUMMARY

The Third District Court of Appeal of Florida denied Victor A. Huerte’s petition for habeas corpus after determining that it was without merit. The court relied on precedent holding that alleged Vienna Convention violations may be procedurally barred when not raised on direct appeal and that the petitioner must establish standing and prejudice.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Per Curiam; EMAS, J.; LOBREE, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 3, 2025
DOCKET	No. 3D25-0647
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original-jurisdiction habeas corpus petition denied by the Florida Third District Court of Appeal.
PRECEDENTIAL VALUE	Published Florida district court of appeal opinion; precedential status is subject to any timely motion for rehearing.
PARTIES	Victor A. Huerte v. Ricky Dixon, Secretary, Department of Corrections, et al.

TOPICS

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

PRACTICE AREAS

- post-conviction relief
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

- Whether the petition for habeas corpus should be granted.

HOLDINGS

1. The petition for habeas corpus was without merit and was therefore denied.

KEY QUOTATIONS

“Having reviewed the petition for habeas corpus and determined it to be without merit, it is hereby denied.”

(1)

FACTUAL BACKGROUND

The opinion provides no substantive factual background beyond the petitioner's assertion of claims apparently involving an alleged violation of the Vienna Convention. The court concluded that the habeas petition was without merit.

PROCEDURAL HISTORY

Huerte filed a petition for habeas corpus in the Third District Court of Appeal. The court reviewed the petition, determined it was without merit, and denied it.

DISPOSITION

writ_denied

CASES CITED

- Gordon v. State, 863 So. 2d 1215, 1221 (Fla. 2003)
- Maharaj v. State, 778 So. 2d 944, 959 (Fla. 2000)
- Darling v. State, 808 So. 2d 145, 166 (Fla. 2002)

OPINION

Victor A. Huerte v. Ricky Dixon, Secretary, Department of Corrections

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 3, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0647 Lower Tribunal No. F07-1958-C _____ Victor A. Huerte, Petitioner, vs. Ricky Dixon, Secretary Department of Corrections, et al., Respondent. A Case of Original Jurisdiction – Habeas Corpus. Victor A. Huerte, in proper person. James Uthmeier, Attorney General, and Kayla Heather McNab, Assistant Attorney General, for respondent. Before EMAS, LOBREE and GOODEN, JJ. PER CURIAM. Having reviewed the petition for habeas corpus and determined it to be without merit, it is hereby denied. See Gordon v. State, 863 So. 2d 1215, 1221 (Fla. 2003) (holding alleged violation of Vienna Convention was procedurally barred where not raised on direct appeal, and petitioner failed to establish he had standing to assert such claim); Maharaj v. State, 778 So. 2d 944, 959 (Fla. 2000) (same); see also Darling v. State, 808 So. 2d 145, 166 (Fla. 2002) (holding

petitioner failed to demonstrate he was prejudiced from a purported violation of the Vienna Convention). 2

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