

FLORIDA THIRD DISTRICT COURT OF APPEAL

Daniel Dumond v. State of Florida

No. 3D25-0163 · No. 3D25-0163 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal treated Daniel Dumond’s pro se letter as a timely petition for writ of habeas corpus alleging ineffective assistance of appellate counsel. The court denied the petition, concluding that Dumond failed to establish deficient performance or resulting prejudice under the Strickland standard.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; LOGUE, J.; LOBREE, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	3D25-0163
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Dumond's pro se letter was treated as a timely petition for writ of habeas corpus alleging ineffective assistance of appellate counsel after the court affirmed his conviction and sentence.
STANDARD OF REVIEW	The court reviewed the ineffective-assistance-of-appellate-counsel claims under the Strickland deficient-performance and prejudice requirements, based on the limited record before it.
PRECEDENTIAL VALUE	published
PARTIES	Daniel Dumond v. The State of Florida

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether Dumond established ineffective assistance of appellate counsel under the deficient-performance and prejudice requirements of *Strickland v. Washington*.
2. Whether the court should grant Dumond's petition for writ of habeas corpus based on the asserted omissions of appellate counsel.

HOLDINGS

1. Dumond failed to establish either deficient performance by appellate counsel or resulting prejudice.
2. The petition for writ of habeas corpus was denied.

KEY QUOTATIONS

“Appellate counsel’s ineffectiveness is limited to those situations where the petitioner establishes, first that appellate counsel’s performance was deficient because ‘the alleged omissions are of such magnitude as to constitute a serious error or substantial deficiency falling measurably outside the range of professionally acceptable performance’ and second, that the petitioner was prejudiced because appellate counsel’s deficiency ‘compromised the appellate process to such a degree as to undermine confidence in the correctness of the result.’” (at 2)

FACTUAL BACKGROUND

Dumond was convicted after a jury trial of felony battery and other offenses. Appointed appellate counsel filed an Anders brief stating that the appeal had no merit, and the Third District allowed counsel to withdraw and affirmed the conviction and sentence. Dumond thereafter raised various claims asserting that appellate counsel was ineffective.

PROCEDURAL HISTORY

Dumond was convicted by a jury of felony battery and other offenses. After appointed appellate counsel filed an Anders brief, the Third District granted counsel's motion to withdraw and affirmed the judgment per curiam; the mandate issued January 22, 2025. Dumond then timely filed the habeas petition alleging ineffective assistance of appellate counsel, which the court denied.

DISPOSITION

writ_denied

CASES CITED

- *Rutherford v. Moore*, 774 So. 2d 637, 643 (Fla. 2000)
- *Phelps v. State*, 317 So. 3d 1207, 1209–10 (Fla. 3d DCA 2021)
- *Dumond v. State*, 404 So. 3d 359 (Fla. 3d DCA 2024)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Anders v. California*, 386 U.S. 738 (1967)
- *Wilson v. State*, 305 So. 3d 341, 341 (Fla. 3d DCA 2020)

- Thompson v. State, 759 So. 2d 650, 660 (Fla. 2000)
- Davis v. State, 383 So. 3d 717, 733 (Fla. 2024)

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