

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Glenn Richardson v. State of Florida

No. 3D25-0830 · No. No. 3D25-0830 · Decided August 6, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court's decision in Glenn Richardson's postconviction appeal. The court held that the reasoning in Erlinger v. United States did not support vacating Richardson's sentence, relying on recent Florida appellate decisions distinguishing direct appeals from postconviction proceedings.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Logue; Miller; Gooden
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	August 6, 2025
DOCKET	No. 3D25-0830
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from a postconviction proceeding in the Circuit Court for Miami-Dade County.
PRECEDENTIAL VALUE	Published
PARTIES	Glenn Richardson v. The State of Florida

TOPICS

- state post-conviction relief
- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal procedure
- Postconviction relief
- Appellate procedure

QUESTIONS PRESENTED

- Whether Erlinger v. United States supports postconviction relief or vacatur of Richardson's death sentence.

HOLDINGS

1. Erlinger does not support vacating a death sentence through postconviction review where Erlinger was a direct-appeal case involving required jury findings regarding an element, rather than a postconviction case involving the challenged sentence.

KEY QUOTATIONS

“Erlinger[v. United States, 602 U.S. 821 (2024)] was a direct-appeal case—not a postconviction case like Ford’s—and it involved required jury findings regarding an element. Based on these fundamental distinctions, it is clear that Erlinger provides no support for vacating Ford’s death sentences.” (402 So. 3d at 981)

FACTUAL BACKGROUND

The opinion provides no substantive factual background beyond identifying Richardson's postconviction challenge to his sentence. The appeal concerned whether *Erlinger v. United States* supported postconviction relief from Richardson's death sentence.

PROCEDURAL HISTORY

Richardson appealed from the Circuit Court for Miami-Dade County in a postconviction matter involving his sentence. The Third District Court of Appeal affirmed, relying on Florida cases holding that *Erlinger v. United States* does not support postconviction relief from a death sentence.

DISPOSITION

affirmed

CASES CITED

- *Ford v. State*, 402 So. 3d 973, 981 (Fla. 2025)
- *Erlinger v. United States*, 602 U.S. 821 (2024)
- *Tanzi v. State*, 407 So. 3d 385, 394–95 (Fla. 2025)
- *Lewis v. State*, No. 3D25-0396, 2025 WL 1819465, at *1 (Fla. 3d DCA July 2, 2025)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed August 6, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0830 Lower Tribunal No. F91-30238A _____ Glenn Richardson, Appellant, vs. The State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Zachary N. James, Judge.

Glenn Richardson, in proper person. James Uthmeier, Attorney General, and Lourdes B. Fernandez, Assistant Attorney General, for appellee. Before LOGUE, MILLER and GOODEN, JJ.

PER CURIAM. Affirmed. See *Ford v. State*, 402 So. 3d 973, 981 (Fla. 2025) (“*Erlinger* [*v. United States*, 602 U.S. 821 (2024)] was a direct-appeal case—not a postconviction case like *Ford*'s—and it involved required jury findings regarding an element.

Based on these fundamental distinctions, it is clear that *Erlinger* provides no support for vacating *Ford*'s death sentences.”); *Tanzi v. State*, 407 So. 3d 385, 394–95 (Fla. 2025) (finding postconviction review of defendant's sentence based on *Erlinger* was improper); *Lewis v. State*, No. 3D25-0396, 2025 WL 1819465, at *1 (Fla. 3d DCA July 2, 2025) (same). 2