

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Maurice Talley v. State of Florida

No. 3D24-0981; Lower Tribunal No. F14-27980 · No. No. 3D24-0981; Lower Tribunal No. F14-27980 ·
Decided April 2, 2025

SUMMARY

The Third District Court of Appeal reversed and remanded an order summarily denying Maurice Talley's motion for postconviction relief alleging ineffective assistance of trial counsel. The court held that the trial court failed to allow Talley an opportunity to amend four facially insufficient claims and failed to attach the record portions supporting summary denial of two other claims. The court directed further proceedings under Florida Rule of Criminal Procedure 3.850(f), including amendment, an evidentiary hearing, or attachment of the required record portions.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	EMAS, J.; SCALES, J.; GORDO, J.
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	April 2, 2025
DOCKET	No. 3D24-0981; Lower Tribunal No. F14-27980
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the circuit court's summary denial, without an evidentiary hearing, of Talley's rule 3.850 motion for postconviction relief alleging ineffective assistance of trial counsel.
STANDARD OF REVIEW	The appellate court reviewed the summary denial of rule 3.850 postconviction claims under Florida Rule of Appellate Procedure 9.141(b)(2), requiring reversal unless the record conclusively shows that the appellant is entitled to no relief.
PRECEDENTIAL VALUE	published
PARTIES	Maurice Talley v. The State of Florida

TOPICS

- post-conviction relief
- ineffective assistance
- criminal procedure
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal post-conviction relief

ineffective assistance of counsel

Florida appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court erred by summarily denying Claims Two through Five as facially insufficient without allowing Talley an opportunity to amend under Florida Rule of Criminal Procedure 3.850(f)(2).
2. Whether the circuit court erred by summarily denying Claims One and Six without attaching the portions of the files and records conclusively showing that Talley was not entitled to relief or conducting an evidentiary hearing.

HOLDINGS

1. When a timely rule 3.850 motion is insufficient on its face, the trial court must issue a nonfinal, nonappealable order allowing the defendant 60 days to amend before summarily denying the claim with prejudice.
2. A summary denial of a rule 3.850 claim is improper unless the order attaches the portions of the files and records that conclusively show the defendant is not entitled to relief; otherwise, the court must conduct an evidentiary hearing or provide other appropriate relief.

KEY QUOTATIONS

“when a defendant’s initial rule 3.850 motion for postconviction relief is determined to be legally insufficient for failure to meet either the rule’s or other pleading requirements, the trial court abuses its discretion when it fails to allow the defendant at least one opportunity to amend the motion.” (at 3)

“A copy of that portion of the files and records in the case that conclusively shows that the defendant is not entitled to relief as to 1 or more claims shall be attached to the order summarily denying these claims.” (at 4)

“On appeal from the denial of relief, unless the record shows conclusively that the appellant is entitled to no relief, the order must be reversed and the cause remanded for an evidentiary hearing or other appropriate relief.” (at 5)

FACTUAL BACKGROUND

Talley was convicted of first-degree murder and sentenced to life in prison. His postconviction motion alleged that trial counsel was ineffective for failing to investigate or present expert, alibi, impeachment, and other defense witnesses, and for failing to object to an allegedly improper closing argument. The circuit court summarily denied all six claims without an evidentiary hearing.

PROCEDURAL HISTORY

Talley was convicted of first-degree murder in 2016 and sentenced to life imprisonment; the judgment and sentence were affirmed on direct appeal. He filed a timely pro se motion for postconviction relief in December 2020, which postconviction counsel later adopted in 2023. The circuit court denied all six claims without an evidentiary hearing, prompting this appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must issue an amended, nonfinal order allowing Talley 60 days to amend Claims Two, Three, Four, and Five. If those claims remain insufficient or are not timely amended, the court may allow another amendment opportunity or enter a final order summarily denying with prejudice the insufficient claims. If amended claims are sufficiently pleaded, the court must conduct an evidentiary hearing or enter an order attaching the record portions conclusively showing Talley is not entitled to relief. For Claims One and Six, the court must enter an amended order attaching the necessary record portions or hold an evidentiary hearing. The court should issue one final appealable order addressing all six claims after the amendment and other proceedings are completed.

CASES CITED

- Talley v. State, 260 So. 3d 562 (Fla. 3d DCA 2019)
- Spera v. State, 971 So. 2d 754, 761 (Fla. 2007)
- Blue v. State, 159 So. 3d 242 (Fla. 3d DCA 2015)
- Debose v. State, 237 So. 3d 1059, 1060 (Fla. 3d DCA 2017)