

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Louis Burney v. State of Florida

Case No. 6D2023-1733; Lower Tribunal No. 2014-CF-012314-A-O · No. 6D2023-1733 · Decided June 30, 2025

SUMMARY

The Sixth District Court of Appeal held that the trial court lacked jurisdiction to rule on the merits of Louis Burney’s Florida Rule of Criminal Procedure 3.850 claims concerning retrospective competency proceedings while Burney’s direct appeal from the retrospective competency order was pending. The court vacated the relevant trial court rulings, remanded for dismissal without prejudice to refile after the direct appeal, and affirmed the remaining rulings.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Gannam, J.; Nardella, J.; White, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	June 30, 2025
DOCKET	6D2023-1733
DISPOSITION	other
PROCEDURAL POSTURE	Burney appealed the summary denial of two grounds of a twice-amended Florida Rule of Criminal Procedure 3.850 motion for postconviction relief. The grounds alleged ineffective assistance of conflict counsel concerning retrospective competency proceedings, while a direct appeal from the retrospective competency order was pending or had been properly initiated.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review.
PRECEDENTIAL VALUE	Published opinion; precedential value subject to finality after the rehearing period.
PARTIES	Louis Burney v. State of Florida

TOPICS

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

PRACTICE AREAS

Florida criminal procedure

state postconviction relief

appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to rule on the merits of Rule 3.850 claims concerning retrospective competency proceedings after Burney had invoked appellate jurisdiction from the retrospective competency order.
2. Whether Burney's pro se motion for an extension of time to file a notice of appeal constituted sufficient and timely notice of his intent to invoke appellate jurisdiction despite the involvement of conflict counsel.
3. Whether the trial court's rulings on the remaining Rule 3.850 claims should be disturbed.

HOLDINGS

1. Once Burney invoked the Sixth District's appellate jurisdiction from the retrospective competency order, the trial court lacked jurisdiction to rule on the merits of the Rule 3.850 claims directed to those proceedings, and any such ruling was a nullity.
2. Burney's pro se motion for an extension of time to file a notice of appeal was not a nullity and provided sufficient, timely notice of his intent to invoke appellate jurisdiction because it clearly indicated that he had discharged conflict counsel and identified his intent to appeal.
3. Dismissal of the Rule 3.850 claims concerning retrospective competency proceedings was without prejudice to refiling if Burney was unsuccessful in his direct appeal, and the refiling would not be subject to Rule 3.850(h)'s successive-motion restrictions.

KEY QUOTATIONS

"Thus, the trial court lacked jurisdiction to rule on the merits of Burney's Rule 3.850 motion as to the retrospective competency proceedings, and any such ruling is a nullity." (at 1-2)

"Such dismissal is without prejudice to Burney's refiling a Rule 3.850 motion as to the retrospective competency proceedings, if unsuccessful in his direct appeal, without any Rule 3.850(h) successive motion restrictions." (at 2)

FACTUAL BACKGROUND

Burney's postconviction claims alleged ineffective assistance by court-appointed conflict counsel in connection with retrospective competency proceedings. Those proceedings had been mandated by the Fifth District after an earlier appeal concerning a pretrial competency determination. Before the trial court ruled on the Rule 3.850 claims directed to the retrospective competency proceedings, Burney filed a pro se motion that sufficiently manifested his intent to invoke the Sixth District's appellate jurisdiction from the retrospective competency order.

PROCEDURAL HISTORY

The Fifth District previously directed retrospective competency proceedings in a prior post-judgment appeal. Burney later filed a Rule 3.850 motion raising claims concerning those proceedings and other stages of the criminal case. The trial court ruled on the motion, but the Sixth District held that the trial court lacked jurisdiction to rule on the merits of the claims concerning the retrospective competency proceedings because Burney had already invoked appellate jurisdiction from the retrospective competency order. The appellate court vacated the relevant rulings, remanded for dismissal without prejudice, and affirmed in all other respects.

DISPOSITION

other

REMAND INSTRUCTIONS

Vacate the trial court's rulings on the Rule 3.850 motion to the extent they concern the retrospective competency proceedings, and remand for the trial court to dismiss those portions of the motion without prejudice. Burney may refile those claims if unsuccessful in his direct appeal, without Rule 3.850(h) successive-motion restrictions.

CASES CITED

- Burney v. State, 247 So. 3d 650, 651-52 (Fla. 5th DCA 2018)
- Daniels v. State, 712 So. 2d 765, 765-66 (Fla. 1998)
- Logan v. State, 846 So. 2d 472, 478 (Fla. 2003)
- Whitt v. State, 984 So. 2d 1278 (Fla. 1st DCA 2008)
- Tribble v. State, 936 So. 2d 788, 788 (Fla. 4th DCA 2006)