

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Juan Carlos Gonzalez v. The State of Florida

No. 3D24-1306 · No. 3D24-1306 · Decided September 10, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed Juan Carlos Gonzalez’s eighteen-year sentence following probation violations and resentencing. The court held that the surrounding circumstances did not create a presumption of vindictive sentencing and that Gonzalez failed to prove actual vindictiveness. It also concluded that the trial court adequately explained the sentence and acted neutrally regarding the rejected plea offer.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Gooden, J.; Fernandez, J.; Gordo, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 10, 2025
DOCKET	3D24-1306
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the resentencing judgment of the Circuit Court for Miami-Dade County after the trial court vacated Gonzalez's original sentence following a successful ineffective-assistance claim concerning a remote probation-violation hearing.
STANDARD OF REVIEW	De novo review applies to whether a defendant's sentence stems from judicial vindictiveness.
PRECEDENTIAL VALUE	precedential
PARTIES	Juan Carlos Gonzalez v. The State of Florida

TOPICS

- sentencing
- due process
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate practice

QUESTIONS PRESENTED

1. Whether the eighteen-year sentence imposed after Gonzalez rejected a plea offer and contested the probation violation was judicially vindictive in violation of due process.
2. Whether the totality of the circumstances created a presumption of vindictiveness that shifted the burden to the State.

HOLDINGS

1. The totality of the circumstances did not create a presumption of vindictiveness because the trial court did not initiate or improperly participate in plea negotiations, did not urge Gonzalez to accept the plea or threaten an increased sentence for exercising procedural rights, and explained the sentence based on the evidence and circumstances of the offenses.
2. Because no presumption of vindictiveness arose, Gonzalez retained the burden to prove actual vindictiveness, and he failed to meet that burden.

KEY QUOTATIONS

“when a claim of vindictive sentencing is raised, the reviewing court must examine all of the surrounding circumstances of a rejected plea and the sentence imposed to determine whether they create a presumption of vindictiveness.” (5)

“The disparity between the State’s pre-trial plea offer and the sentence imposed by the trial court . . . , standing alone, does not create a presumption of vindictiveness nor require resentencing.” (7)

FACTUAL BACKGROUND

Gonzalez pleaded guilty in two cases to aggravated stalking in violation of a court order and strong-armed robbery, and he was placed on probation with a no-contact condition concerning his ex-wife. He later sent flowers with a threatening card and threatening text messages targeting his ex-wife through their daughter, leading the trial court to find a willful and substantial probation violation. After the original twenty-year sentence was vacated because of counsel's failure to object to a remote hearing, the trial court resentenced Gonzalez to eighteen years after considering evidence about the offenses, the victim's fear, Gonzalez's prison conduct and rehabilitation, and his remorse.

PROCEDURAL HISTORY

Gonzalez pleaded guilty in two cases and received probation. After he violated probation, the trial court imposed an aggregate twenty-year sentence. The Third District affirmed the original sentence, but on remand the trial court granted Gonzalez's Rule 3.850 motion based on counsel's failure to object to the remote hearing, vacated the sentence, and conducted a new sentencing hearing. The trial court imposed an aggregate eighteen-year sentence, and Gonzalez appealed, arguing that the sentence was vindictive.

DISPOSITION

affirmed

CASES CITED

- Gonzalez v. State, 343 So. 3d 166, 172 (Fla. 3d DCA 2022)
- Alvarez-Hernandez v. State, 319 So. 3d 121, 123-124 (Fla. 3d DCA 2021)
- Williams v. State, 225 So. 3d 349, 353 (Fla. 3d DCA 2017)
- Concepcion v. State, 188 So. 3d 5, 9-10 (Fla. 3d DCA 2016)
- Wilson v. State, 845 So. 2d 142, 156 (Fla. 2003)
- State v. Warner, 762 So. 2d 507 (Fla. 2000)
- Evans v. State, 979 So. 2d 383, 386 (Fla. 5th DCA 2008)

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