

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Manuel Walters v. The State of Florida

No. 3D24-0457 (Fla. 3d DCA May 7, 2025) · No. 3D24-0457 · Decided May 7, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Manuel Walters’s successive motion for postconviction relief, concluding that his newly discovered evidence claim was untimely, successive, and procedurally barred. The court also affirmed an order prohibiting Walters from filing further pro se pleadings related to the case without the signature of a Florida Bar member in good standing.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Fernandez; Miller; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 7, 2025
DOCKET	3D24-0457
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from orders denying a successive motion for postconviction relief and prohibiting further pro se filings relating to the case unless signed by a Florida Bar member in good standing.
STANDARD OF REVIEW	The order prohibiting further pro se filings is reviewed for abuse of discretion. The opinion does not expressly state a separate standard of review for the denial of the successive postconviction motion.
PRECEDENTIAL VALUE	Published
PARTIES	Manuel Walters v. The State of Florida

TOPICS

- successive petitions
- state post-conviction relief
- ineffective assistance
- appellate procedure
- remedies

PRACTICE AREAS

- Florida postconviction relief
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court properly denied Walters's successive postconviction motion alleging ineffective assistance of counsel based on purportedly newly discovered evidence.
2. Whether the trial court abused its discretion by prohibiting Walters from filing further pro se pleadings relating to the case unless signed by a member in good standing of the Florida Bar.

HOLDINGS

1. The trial court properly denied Walters's successive postconviction motion because the claim was untimely, successive, and procedurally barred; the purportedly newly discovered note was available to counsel before the prior postconviction evidentiary hearing and therefore did not qualify as newly discovered evidence.
2. The trial court properly exercised its discretion to prohibit Walters from filing further pro se pleadings relating to the case unless signed by a member in good standing of the Florida Bar.

KEY QUOTATIONS

“A second or successive motion is an extraordinary pleading.”

FACTUAL BACKGROUND

Walters sought postconviction relief based on a 2008 note memorializing a plea offer allegedly made in open court while his counsel was absent. He characterized the note as newly discovered evidence, but conceded on appeal that a version of the claim had been raised in a prior motion and acknowledged that his counsel had obtained the note by inspecting the State's file before an evidentiary hearing on that prior motion. The trial court found that the successive motion recast claims previously adjudicated multiple times and that the claims were filed more than two years after the judgment and sentence became final.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County summarily denied Walters's successive postconviction motion asserting ineffective assistance of counsel based on allegedly newly discovered evidence, a 2008 note concerning a plea offer. The trial court also entered an order restricting Walters from filing further pleadings relating to the case without approval by counsel. Walters appealed, and the Third District Court of Appeal affirmed both orders.

DISPOSITION

affirmed

CASES CITED

- Sheppard v. State, 338 So. 3d 803, 825 (Fla. 2022)
- Jones v. State, 709 So. 2d 512, 521 (Fla. 1998)
- Walters v. State, 389 So. 3d 513 (Fla. 3d DCA 2023)

- Walters v. State, 301 So. 3d 219 (Fla. 3d DCA 2020)
- Walters v. State, 299 So. 3d 1050 (Fla. 3d DCA 2020)
- Quintero v. State, 291 So. 3d 978, 978 (Fla. 3d DCA 2019)
- Brinson v. State, 215 So. 3d 1260, 1261 (Fla. 5th DCA 2017)
- State v. Spencer, 751 So. 2d 47, 48 (Fla. 1999)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 7, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-0457 Lower Tribunal No. F04-2111B _____ Manuel Walters, 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, Milton Hirsch, Judge.

Manuel Walters, in proper person. James Uthmeier, Attorney General, and Kayla Heather McNab, Assistant Attorney General, for appellee. Before FERNANDEZ, MILLER and LOBREE, JJ. PER CURIAM. Manuel Walters appeals from the trial court's order denying his successive motion for postconviction relief and subsequent order prohibiting him from filing further pleadings relating to this case unless signed by a member in good standing of the Florida Bar.

He contends that the trial court erred in summarily denying his successive motion for postconviction relief raising a claim of ineffective assistance of counsel based upon "newly discovered evidence" in the form of a 2008 note memorializing a plea offer made to him in open court in the absence of his counsel, which he recently obtained from the state attorney's file.

For the reasons that follow, we affirm. Florida Rule of Criminal Procedure 3.850(h)(2), provides: A second or successive motion is an extraordinary pleading. Accordingly, a court may dismiss a second or successive motion if the court finds that it fails to allege new or different grounds for relief and the prior determination was on the merits or, if new and different grounds are alleged, the judge finds that the failure of the defendant or the attorney to assert those grounds in a prior motion constituted an abuse of the procedure or there was no good cause for the failure of the defendant or defendant's counsel to have asserted those grounds in a prior motion.

To succeed on a claim of newly discovered evidence, Walters must first establish "that the evidence was not known by the trial court, the party, or counsel at the time of trial and it could not have been discovered through due diligence at the time of trial[.]" Sheppard v. State, 338 So. 3d 803, 825 (Fla. 2022) (citing Jones v. State, 709 So. 2d 512, 521 (Fla.

1998)). On 2 appeal, Walters concedes that a version of this "newly discovered" claim was presented in his prior motion. He further acknowledges that the note supporting this claim was

obtained by his counsel who inspected the state's file before an evidentiary hearing held on his prior motion for postconviction relief.

The trial court correctly found that the record reflects that the motion on review recast prior claims that had been adjudicated multiple times, all of which were filed more than two years after his judgment and sentence became final. See *Walters v. State*, 389 So. 3d 513 (Fla. 3d DCA 2023) (unpublished table decision) (affirming order denying rule 3.850 motion); *Walters v. State*, 301 So.

3d 219 (Fla. 3d DCA 2020) (unpublished table decision) (affirming order denying rule 3.850 motion); see also *Walters v. State*, 299 So. 3d 1050 (Fla. 3d DCA 2020) (unpublished table decision) (affirming order denying rule 3.800(a) motion).

Accordingly, we affirm the denial of this claim as untimely, successive and procedurally barred. We review the trial court's subsequent order prohibiting pro se filings by the defendant under the abuse of discretion standard. *Quintero v. State*, 291 So. 3d 978, 978 (Fla. 3d DCA 2019) (citing *Brinson v. State*, 215 So. 3d 1260, 1261 (Fla. 5th DCA 2017)). Upon consideration of Walters' response to an order to show cause as to why he should not be barred from filing additional pleadings or papers pertaining or relating to, or arising out of the 3 case at bar, and the successive, duplicative, pro se petitions and appeals brought by Walters, we conclude that the trial court properly exercised its discretion in finding that Walters had failed to do so.

See *State v. Spencer*, 751 So. 2d 47, 48 (Fla. 1999). Affirmed. 4