

FLORIDA THIRD DISTRICT COURT OF APPEAL

Vincent Brown v. State of Florida

No. 3D25-1276 · No. No. 3D25-1276 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal of Florida dismissed Vincent Brown’s original petition for writ of habeas corpus without prejudice. The court held that Brown was required to seek relief initially through a timely motion under Florida Rules of Criminal Procedure 3.850 or 3.800, and noted that any such filing must comply with the trial court’s order requiring review and signature by a Florida Bar member in good standing.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; EMAS, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	No. 3D25-1276
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original habeas corpus proceeding seeking relief from convictions and life sentences for three armed-robbery counts; the petition was dismissed without prejudice.
STANDARD OF REVIEW	The court reviewed the original habeas petition to determine whether habeas corpus was an appropriate procedural vehicle for the requested relief.
PRECEDENTIAL VALUE	Published state intermediate appellate opinion; precedential value subject to Florida law and any later rehearing or review.
PARTIES	Vincent Brown, Petitioner v. State of Florida, Respondent

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- habeas corpus
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether habeas corpus may be used as a substitute for an initial postconviction motion under Florida Rules of Criminal Procedure 3.850 or 3.800.
2. Whether the court should reach the merits of Brown's habeas claims despite the trial court's order barring him from proceeding pro se.

HOLDINGS

1. Habeas corpus is not available as a substitute for postconviction relief under Florida Rule of Criminal Procedure 3.850, and it may not be used to seek a second appeal or to litigate issues that could have been or were raised under Rule 3.850. Claims cognizable under Rule 3.800(a) or Rule 3.850 must first be presented to the trial court through a proper and timely motion.
2. The petition was dismissed without prejudice because Brown was required to seek relief in the first instance in the trial court through a proper and timely motion, and any such filing had to comply with the trial court's 2016 order requiring review and signature by a Florida Bar member in good standing.

KEY QUOTATIONS

“The remedy of habeas corpus is not available as a substitute for post-conviction relief under rule 3.850, Florida Rules of Criminal Procedure. Nor can habeas corpus be used as a means to seek a second appeal or to litigate issues that could have been or were raised in a motion under rule 3.850.” (2)

“[A] petition for writ of habeas corpus is not a substitute for a postconviction motion under Florida Rule of Criminal Procedure 3.800(a) or 3.850” (2)

FACTUAL BACKGROUND

Brown sought to challenge his convictions and life sentences for three armed robberies, asserting that habeas corpus was needed to correct a manifest injustice. He acknowledged that he had filed numerous pro se postconviction pleadings and had been barred by a July 2016 trial-court order from proceeding pro se. The order required any trial-court pleading or other document to be reviewed and signed by a Florida Bar member in good standing.

PROCEDURAL HISTORY

Brown was convicted and sentenced to life imprisonment for three counts of armed robbery in circuit court case number F96-12195. The Third District affirmed the judgments and sentences in 2001. After extensive pro se postconviction litigation, the trial court entered a July 2016 order barring Brown from proceeding pro se and requiring filings to be reviewed and signed by a Florida Bar member in good standing. Brown then filed this original habeas petition in the Third District, which dismissed it without prejudice because the requested relief had to be sought initially through a proper motion in the trial court.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. The dismissal was without prejudice to filing a proper and timely motion in the trial court under Rule 3.850 or Rule 3.800, subject to the 2016 order requiring review and signature by a Florida Bar member in good standing.

CASES CITED

- Brown v. State, 798 So. 2d 741 (Fla. 3d DCA 2001)
- Baker v. State, 878 So. 2d 1236, 1241 (Fla. 2004)
- Leichtman v. Singletary, 674 So. 2d 889, 891 (Fla. 4th DCA 1996)
- Brown v. State, 316 So. 3d 743, 743 (Fla. 3d DCA 2023)
- Lindo v. State, 981 So. 2d 1212 (Fla. 3d DCA 2008)

OPINION

Vincent Brown v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed July 23, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1276 Lower Tribunal No. F96-12195 _____ Vincent Brown, Petitioner, vs. State of Florida, Respondent. A Case of Original Jurisdiction – Habeas Corpus. Vincent Brown, in proper person. James Uthmeier, Attorney General, for petitioner. Before SCALES, C.J., and EMAS and GOODEN, JJ. PER CURIAM. Vincent Brown files this petition for writ of habeas corpus, alleging he has done so to correct a “manifest injustice” related to his convictions and life sentences for three counts of armed robbery in circuit court case number F96-12195. We affirmed the judgments and sentences in 2001. Brown v. State, 798 So. 2d 741 (Fla. 3d DCA 2001). Since that time, Brown acknowledges that he “has engaged in a litany of pro se postconviction pleadings to the point of being pro se banned in the trial court.” Indeed, the trial court, in a July 2016 order, prohibited Brown from proceeding pro se in circuit court case number F96-12195. Upon our review, we determine that Brown filed the instant original proceeding in a rather transparent attempt to circumvent the trial court’s bar order, which requires any pleading or other document filed in the trial court be reviewed and signed by a Florida Bar member in good standing. Instead of filing an original proceeding with this court seeking habeas corpus relief, Brown is instead required to seek relief in the first instance by way of a motion filed in the trial court pursuant to Florida Rule of Criminal Procedure 3.850 or 3.800. See Baker v. State, 878 So. 2d 1236, 1241 (Fla. 2004) (“‘The remedy of habeas corpus is not available as a substitute for post-conviction relief under rule 3.850, Florida Rules of Criminal Procedure.’ Nor can habeas corpus be used as a means to seek a second appeal or to litigate issues that could have been or were raised in a motion under rule 3.850.”) (quoting Leichtman v. Singletary, 674 So. 2d 889, 891 (Fla. 4th DCA 1996)); Brown v. State, 316 So. 3d 743, 743 (Fla. 3d DCA 2023) (“[A] petition for writ of habeas

corpus is not a substitute for a postconviction motion under Florida Rule of Criminal Procedure 3.800(a) or 3.850”) (quoting *Lindo v. State*, 981 So. 2d 1212 (Fla. 3d DCA 2008)). We do not reach the merits of any claim raised in the instant petition, nor offer any opinion whether said claims are procedurally barred. Instead, we dismiss the instant petition without prejudice to the filing of a proper and timely motion in the trial court which, consistent with the trial court’s 2016 order barring Brown from proceeding pro se, requires that any such motion be reviewed and signed by a Florida Bar member in good standing. Petition dismissed. 3