

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Dortch v. State of Florida

Dortch v. State of Florida · No. 1D2024-2312 · Decided December 23, 2025

SUMMARY

The Florida First District Court of Appeal affirmed a county court decision in a per curiam opinion, with one judge dissenting. The dissent argued that appointed appellate counsel failed to provide constitutionally adequate assistance under *Anders v. California* by not addressing potentially meritorious issues concerning dashcam evidence and the absence of a properly rendered final judgment.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Kelsey, J.; Long, J.; Tanenbaum, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	December 23, 2025
DOCKET	1D2024-2312
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the County Court for Escambia County following an apparent no-contest plea to misdemeanors under a plea agreement that reserved the right to appeal the denial of a suppression motion. The majority affirmed per curiam.
STANDARD OF REVIEW	Under the <i>Anders</i> procedure, the appellate court must conduct a full and independent examination of the record to determine whether the appeal is wholly frivolous; the dissent also discusses review of objective video evidence against an officer's testimony in the suppression context.
PRECEDENTIAL VALUE	published
PARTIES	John Sebastian Dortch v. State of Florida

TOPICS

- appellate procedure
- right to counsel
- suppression of evidence
- criminal procedure
- search and seizure

PRACTICE AREAS

appellate procedure

criminal procedure

criminal appeals

suppression of evidence

right to counsel

QUESTIONS PRESENTED

1. Whether the Anders brief adequately identified and addressed potentially nonfrivolous appellate issues.
2. Whether the dashcam video presented an arguable issue concerning the credibility or accuracy of the arresting officer's testimony in the suppression proceeding.
3. Whether the appellate court could review the purported judgment and sentence when the record allegedly lacked a judge-signed final judgment.

KEY QUOTATIONS

“if counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw” (2)

“must include with that request a brief referring to anything in the record that might arguably support the appeal.” (2)

“assume[] the responsibility of conducting a full and independent review of the record to discover any arguable issues apparent on the face of the record.” (2)

FACTUAL BACKGROUND

According to the dissent, Dortch apparently pleaded no contest to misdemeanors pursuant to a plea agreement reserving his ability to appeal the denial of a motion to suppress. At the suppression hearing, the arresting officer testified and dashcam video was played. The dissent stated that the video might contradict the officer's testimony and that the record did not contain a judge-signed final judgment of conviction.

PROCEDURAL HISTORY

The appeal arose from a county-court suppression ruling following an evidentiary hearing at which the arresting officer testified and dashcam video was played. According to the dissent, appointed counsel filed a brief under *Anders v. California* that identified but did not adequately develop potentially arguable issues. The First District affirmed without an explanatory majority opinion.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744 (1967)
- *In re Anders Briefs*, 581 So. 2d 149, 151 (Fla. 1991)
- *Wiggins v. Fla. Dep't of High. Saf. & Motor Veh.*, 209 So. 3d 1165, 1172 (Fla. 2017)

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