

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Touchton-Williams v. State of Florida

No. 1D2025-0677 · No. No. 1D2025-0677 · Decided May 13, 2026

SUMMARY

The First District Court of Appeal of Florida reversed and remanded an order denying Alexis Touchton-Williams’s Florida Rule of Criminal Procedure 3.850 postconviction motion. The court held that the trial court lacked jurisdiction to re-enter a corrective order before issuance of the appellate mandate, and that a later nunc pro tunc order could not cure the jurisdictional defect.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, J.; Winokur, J.; Neff, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	May 13, 2026
DOCKET	No. 1D2025-0677
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Alachua County denying Appellant's motion for postconviction relief under Florida Rule of Criminal Procedure 3.850.
PRECEDENTIAL VALUE	published
PARTIES	Alexis Touchton-Williams v. State of Florida

TOPICS

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

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to enter a corrective order complying with the First District's prior decision before the appellate mandate issued.

2. Whether a later nunc pro tunc order could retroactively cure the trial court's lack of jurisdiction when the corrective order was entered.
3. Whether the order denying the motion to strike could stay the proceedings retroactively after Appellant had filed the appeal.

HOLDINGS

1. The trial court lacked jurisdiction to enter the corrective order before the First District's mandate issued because the mandate is the procedural vehicle by which jurisdiction transfers back to the trial court.
2. A nunc pro tunc order could not cure the defect because the error involved the trial court's creation of a new corrective order while it lacked jurisdiction, rather than an omitted record entry memorializing an act previously taken.

KEY QUOTATIONS

“An appellate court’s mandate is the procedural vehicle by which jurisdiction transfers back to the trial court.”

“The error at issue was not an act of omission, but the creation of a new corrective order that was done when the lower tribunal did not yet have jurisdiction to create that order.”

“Nunc pro tunc orders are issued to correct clerical mistakes or refer to judicial acts which memorialize a previously taken judicial act.”

FACTUAL BACKGROUND

The First District previously reversed or otherwise found deficiencies in the trial court's denial of Appellant's Rule 3.850 motion because the order lacked record excerpts conclusively refuting several claims. Although the appellate court's opinion issued on February 5, 2025, its mandate did not issue until March 5, 2025. The trial court entered a corrective order on February 19, 2025, before the mandate issued, and later attempted to retroactively cure the defect through a nunc pro tunc order.

PROCEDURAL HISTORY

In a prior appeal, the First District held that the trial court was required to attach record excerpts conclusively refuting Appellant's postconviction claims and identified grounds for which the attachments were insufficient. Before the prior appeal's mandate issued, the trial court re-entered an order denying the Rule 3.850 motion with additional record attachments. After Appellant appealed, the trial court attempted to cure the jurisdictional problem through an order that purported to stay the proceedings nunc pro tunc until issuance of the mandate. The First District reversed and remanded for re-entry of the order after its mandate issued.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must re-enter the order denying the Rule 3.850 motion with the required record attachments after the First District's mandate has issued.

CASES CITED

- Touchton-Williams v. State, 402 So. 3d 454 (Fla. 1st DCA 2025)
- Mathis v. State, 963 So. 2d 299 (Fla. 1st DCA 2007)
- Leatherwood v. State, 168 So. 3d 328, 330 (Fla. 3d DCA 2015)
- Scott v. State, 156 So. 3d 9, 10 (Fla. 5th DCA 2014)
- Kimmel v. State, 629 So. 2d 1110, 1111 (Fla. 1st DCA 1994)
- D.M. v. State, 580 So. 2d 634, 635 (Fla. 1st DCA 1991)
- Erlacher v. Erlacher, 289 So. 2d 459, 460 (Fla. 4th DCA 1974)

OPINION

Touchton-Williams v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2025-0677 _____

ALEXIS TOUCHTON-WILLIAMS,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Alachua County. James M. Colaw, Judge. May 13, 2026 PER CURIAM. We are constrained to reverse on procedural grounds the trial court's order denying Appellant's postconviction motion under Florida Rule of Criminal Procedure 3.850. In a previous appeal, Appellant successfully argued that the trial court must attach to its order record excerpts conclusively refuting Appellant's claims and this Court found that there were several claims where the trial court had not done so. See Touchton-Williams v. State,

402 So. 3d 454 (Fla. 1st DCA 2025) Our opinion issued on February

5, 2025. On February 19, 2025, the trial court sought to comply with our decision and re-entered the order denying Appellant's rule 3.850 motion, this time attaching additional records regarding the previously reversed grounds. However, our mandate in the previous postconviction appeal did not issue until March 5, 2025. An appellate court's mandate is the procedural vehicle by which jurisdiction transfers back to the trial court. Mathis v. State, 963 So. 2d 299 (Fla. 1st DCA 2007). Until issuance of our mandate, the trial court lacked jurisdiction to enter an order complying with our directions. Accordingly, while we applaud the trial court's efficient compliance with our decision, and are loath to "punish efficiency," we must reverse the order because the trial court did not have jurisdiction to enter it at that time. See Leatherwood v. State, 168 So. 3d 328, 330 (Fla. 3d

DCA 2015) (noting the court's reluctance to punish efficiency); *Scott v. State*, 156 So. 3d 9, 10 (Fla. 5th DCA 2014). We are not persuaded by the State's argument that the trial court's order denying the motion to strike, which attempted to retroactively stay the proceedings until this Court's mandate issued, cured the issue, because the lower court did not issue that order until after Appellant had filed the appeal on March 21, 2025—thirty days after the lower court issued the corrective order. "The general rule is that an appeal of an order divests the trial court of jurisdiction except to those matters which do not interfere with the power of the appellate court to determine the issues which are on appeal." *Kimmel v. State*, 629 So. 2d 1110, 1111 (Fla. 1st DCA 1994). The lower court's nunc pro tunc order within the order denying the motion to strike—staying the rule 3.850 denial motion until after we had issued out mandate to try to retroactively cure the error— does not fix this issue. "Nunc pro tunc orders are issued to correct clerical mistakes or refer to judicial acts which memorialize a previously taken judicial act." *D.M. v. State*, 580 So. 2d 634, 635 (Fla. 1st DCA 1991). "A nunc pro tunc entry is an entry made now, of something which was actually previously done, to have effect as to the former date. Its office is not to supply omitted action by the court, but to supply an omission in the record of an action really had where entry thereof was omitted through inadvertence or mistake." *Id.* (quoting *Erlacher v. Erlacher*, 289 So. 2d 459, 460 (Fla. 4th DCA 1974)). The error at issue was not an act of omission, but the creation of a new corrective order that was done when the lower tribunal did not yet have jurisdiction to create that order. 2 Under these circumstances—and without commentary on the merits of Appellant's arguments in the motion itself—we reverse and remand for re-entry of the order with record attachments— after our mandate has issued. See Fla. R. App. P. 9.340(a) (defining "mandate" and setting forth procedures). REVERSED and REMANDED. LEWIS, WINOKUR, and NEFF, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Michael Ufferman of Michael Ufferman Law Firm, P.A., Tallahassee, for Appellant. James Uthmeier, Attorney General, and Anne C. Conley, Assistant Attorney General, Tallahassee, for Appellee. 3