

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Enrique Jesus Someillan v. State of Florida

No. 3D25-2397 · No. No. 3D25-2397 · Decided May 6, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed the summary denial of Enrique Jesus Someillan's postconviction motion alleging ineffective assistance of trial counsel. The court held that the motion was untimely under Florida Rule of Criminal Procedure 3.850(b), and noted prejudice to the State from the passage of time, including the death of trial counsel, destruction of the investigative file, and unavailability of witnesses.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	SCALES, C.J.; MILLER, J.; GOODEN, J.
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	May 6, 2026
DOCKET	No. 3D25-2397
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the summary denial of a postconviction motion alleging grossly deficient performance by trial counsel.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviews the lower court's summary denial of postconviction relief.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Enrique Jesus Someillan v. State of Florida

TOPICS

- post-conviction relief
- ineffective assistance
- plea bargaining
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- ineffective assistance
- plea bargaining

QUESTIONS PRESENTED

1. Whether Someillan's untimely postconviction motion alleging ineffective assistance of trial counsel qualified for an exception to Florida's two-year time limitation.
2. Whether the passage of time, resulting prejudice, and Someillan's receipt of the benefits of his negotiated plea barred postconviction relief under laches and estoppel principles.

HOLDINGS

1. A postconviction motion filed more than two years after the judgment and sentence became final is untimely unless the movant alleges and establishes one of the limited exceptions enumerated in Florida Rule of Criminal Procedure 3.850(b)(1)-(3). Because Someillan failed to allege an applicable exception, the motion was barred.
2. The postconviction claim was also barred by prejudice resulting from the delay and by Someillan's receipt of the benefits of his negotiated plea bargain.

KEY QUOTATIONS

"[R]ule 3.850 contains no 'manifest injustice' exception to the rule's time limitation or bar against filing successive postconviction motions." (2)

"Where a defendant has already served his sentence and he has reaped the benefit of an illegal sentence, he is estopped from challenging the sentence, especially in the context of a negotiated plea." (2)

FACTUAL BACKGROUND

Someillan filed a postconviction claim alleging grossly deficient performance by his trial counsel more than three decades after his judgment and sentence became final. His former trial counsel was deceased, the investigative file had been destroyed, and key witnesses, including the victim, were unlocatable or unavailable. Someillan had also received the benefits of the negotiated plea bargain.

PROCEDURAL HISTORY

More than three decades after his judgment and sentence became final, Someillan sought postconviction relief in the circuit court. The circuit court summarily denied the motion, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Cuffy v. State, 190 So. 3d 86, 87 (Fla. 4th DCA 2015)
- State v. Ortiz, 79 So. 3d 177, 178 (Fla. 3d DCA 2012)
- Bartz v. State, 740 So. 2d 1243, 1244 (Fla. 3d DCA 1999)
- Flowers v. State, 278 So. 3d 899, 902 (Fla. 1st DCA 2019)
- Cooper v. United States, 66 F.3d 326 (6th Cir. 1995)

OPINION

Enrique Jesus Someillan v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 6, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2397 Lower Tribunal No. F91-35914 _____ Enrique Jesus Someillan, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Carmen Cabarga, Judge. Law Office of Carlos A. Canet, P.A., and Carlos A. Canet (Plantation), for appellant. James Uthmeier, Attorney General, and Ryan Schelwat, Assistant Attorney General, for appellee. Before SCALES, C.J., and MILLER, and GOODEN, JJ. MILLER, J. Over three decades after his judgment and sentence became final, appellant, Enrique Jesus Someillan, sought postconviction relief alleging the performance by his trial counsel was grossly deficient. The lower court summarily denied the motion. Because Someillan failed to allege an enumerated exception to the two-year requirement circumscribed by Florida Rule of Criminal Procedure 3.850(b), the State established that Someillan's former trial counsel is now deceased, the investigative file was destroyed, key witnesses, including the victim, are unlocatable or unavailable, and Someillan reaped the benefits of the terms of the plea bargain he negotiated, we are constrained to affirm the order under review. See Fla. R. Crim. P. 3.850(b) (1)–(3) (setting forth limited exceptions to 2-year time bar); *Cuffy v. State*, 190 So. 3d 86, 87 (Fla. 4th DCA 2015) (“[R]ule 3.850 contains no ‘manifest injustice’ exception to the rule’s time limitation or bar against filing successive postconviction motions.”); *State v. Ortiz*, 79 So. 3d 177, 178 (Fla. 3d DCA 2012) (“Where a defendant has already served his sentence and he has reaped the benefit of an illegal sentence, he is estopped from challenging the sentence, especially in the context of a negotiated plea.”); *Bartz v. State*, 740 So. 2d 1243, 1244 (Fla. 3d DCA 1999) (barring motion under doctrine of laches “where there has been both a lack of due diligence on the part of the defendant in bringing forth a claim and prejudice to the State”); *Flowers v. State*, 278 So. 3d 899, 902 (Fla. 1st DCA 2019) (claims of ineffective assistance of counsel filed more than two years after the defendant's judgment and sentence became final are untimely unless they fall within an exception to the two-year deadline); *Cooper v. United States*, 66 F.3d 326 (6th Cir. 1995) (finding no abuse of discretion under doctrine of laches where defendant delayed bringing claim for six years). Affirmed. 3