

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)

