

# FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

## David Lee DeBenedictis v. State of Florida

DeBenedictis · No. 5D2024-2447 · Decided December 19, 2025

### SUMMARY

The Fifth District Court of Appeal of Florida affirmed the denial of David Lee DeBenedictis’s postconviction claims under Florida Rule of Criminal Procedure 3.850 as to grounds six and seven. It reversed and remanded as to grounds one through five, eight, and nine because the postconviction court failed to attach records conclusively refuting those claims.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Fifth District Court of Appeal of Florida                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Makar, J.; Harris, J.; Soud, J.                                                                                                                                                                                                                               |
| JURISDICTION          | Fifth District Court of Appeal of Florida                                                                                                                                                                                                                     |
| DECIDED               | December 19, 2025                                                                                                                                                                                                                                             |
| DOCKET                | 5D2024-2447                                                                                                                                                                                                                                                   |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Appeal from the summary denial of a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850.                                                                                                                                          |
| STANDARD OF REVIEW    | A summary denial of a Rule 3.850 motion may be upheld only when the claims are facially invalid or conclusively refuted by the record; otherwise, the denial must be reversed and the matter remanded for an evidentiary hearing or other appropriate relief. |
| PRECEDENTIAL VALUE    | Published opinion according to the supplied metadata; subject to post-decision motions because the opinion states it is not final.                                                                                                                            |
| PARTIES               | David Lee DeBenedictis v. State of Florida                                                                                                                                                                                                                    |

### TOPICS

- post-conviction relief
- ineffective assistance
- appellate procedure
- standard of review

### PRACTICE AREAS

- Florida criminal postconviction procedure
- ineffective assistance of counsel
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the summary denial of grounds six and seven of DeBenedictis's Rule 3.850 motion should be affirmed.
2. Whether the postconviction court could summarily deny grounds one through five, eight, and nine without attaching portions of the record conclusively refuting those claims.

## HOLDINGS

1. DeBenedictis failed to demonstrate entitlement to postconviction relief on grounds six and seven, so the denial of those claims was affirmed.
2. A summary denial of a Rule 3.850 motion cannot be upheld unless the claims are facially invalid or conclusively refuted by the record. Because the record did not conclusively show that DeBenedictis was entitled to no relief on grounds one through five, eight, and nine, the denial of those grounds was reversed and the case remanded for further proceedings.

## KEY QUOTATIONS

*“To uphold a summary denial of a postconviction motion, “the claims must be either facially invalid or conclusively refuted by the record.”” (at 2)*

*“On appeal, “unless the record shows conclusively that the appellant is entitled to no relief, the order must be reversed and the cause remanded for an evidentiary hearing or other appropriate relief.”” (at 2)*

## FACTUAL BACKGROUND

DeBenedictis sought postconviction relief under Rule 3.850, alleging eight instances of ineffective assistance of counsel and cumulative error. The postconviction court summarily denied all nine grounds. The appellate record did not include records conclusively refuting grounds one through five, eight, and nine, although the appellate court determined that DeBenedictis was not entitled to relief on grounds six and seven.

## PROCEDURAL HISTORY

DeBenedictis filed a Rule 3.850 motion asserting eight ineffective-assistance claims and cumulative error. The Volusia County Circuit Court summarily denied the motion. On appeal, the Fifth District affirmed the denial of grounds six and seven but reversed the denial of grounds one through five, eight, and nine because the postconviction court had not attached records conclusively refuting those claims.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remand for further proceedings concerning grounds one through five, eight, and nine, including an evidentiary hearing or other appropriate relief as required by the record and applicable law.

## CASES CITED

- Newcomer v. State, 371 So. 3d 435, 437 (Fla. 5th DCA 2023)
- Peede v. State, Peede v. State, 748 So. 2d 253, 257 (Fla. 1999)

## OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA  
\_\_\_\_\_ Case No. 5D2024-2447 LT Case No. 2018-303380-CFDB  
\_\_\_\_\_ DAVID LEE DEBENEDICTIS, Appellant, v. STATE OF  
FLORIDA, Appellee. \_\_\_\_\_ 3.850 Appeal from the Circuit Court for  
Volusia County. Leah Ransbottom Case, Judge. David Lee DeBenedictis, Bristol, pro se.

James Uthmeier, Attorney General, Tallahassee, and Kristen L. Davenport, Assistant Attorney General, Daytona Beach, for Appellee. December 19, 2025 PER CURIAM. David DeBenedictis appeals the denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.850 in which he raised nine grounds for relief—eight claims of ineffective assistance of counsel and a claim of cumulative error.

Because DeBenedictis has failed to demonstrate that he is entitled to relief as to grounds six and seven, we affirm as to those two claims. The postconviction court, however, failed to attach records to its order summarily denying the motion as to grounds one through five, eight, and nine.

To uphold a summary denial of a postconviction motion, “the claims must be either facially invalid or conclusively refuted by the record.” Newcomer v. State, 371 So. 3d 435, 437 (Fla. 5th DCA 2023) (quoting Peede v. State, 748 So. 2d 253, 257 (Fla. 1999)).

On appeal, “unless the record shows conclusively that the appellant is entitled to no relief, the order must be reversed and the cause remanded for an evidentiary hearing or other appropriate relief.” Fla. R. App. P. 9.141(b)(2)(D).

As the record on appeal fails to show that DeBenedictis was not entitled to relief on grounds one through five and eight and nine, we reverse the postconviction court’s denial as to these grounds and remand for further proceedings. AFFIRMED in part; REVERSED in part; and REMANDED with instructions. MAKAR, HARRIS, and SOUD, JJ., concur.  
\_\_\_\_\_ Not final until disposition of any timely and authorized motion under Fla. R. App.

P. 9.330 or 9.331. \_\_\_\_\_ 2