

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

Daniel Diaz v. State of Florida

No. 4D2025-2066 (Fla. 4th DCA Jan. 7, 2026) · No. 4D2025-2066 · Decided January 7, 2026

SUMMARY

The Fourth District Court of Appeal of Florida reviewed the summary denial of Daniel Diaz’s Florida Rule of Criminal Procedure 3.850 motion. The court held that Diaz stated a facially sufficient ineffective-assistance claim concerning counsel’s advice about sentencing exposure under Florida’s 10-20-Life statute and remanded ground one for an evidentiary hearing. The court affirmed the denial of Diaz’s remaining four grounds.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	MAY, J.; LEVINE, J.; CONNER, J.
JURISDICTION	Florida District Court of Appeal, Fourth District
DECIDED	January 7, 2026
DOCKET	4D2025-2066
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order summarily denying a Florida Rule of Criminal Procedure 3.850 motion for post-conviction relief.
STANDARD OF REVIEW	A summary denial of a Rule 3.850 claim may be upheld only if the claim is facially invalid or conclusively refuted by the record.
PRECEDENTIAL VALUE	published
PARTIES	Daniel Diaz v. State of Florida

TOPICS

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

PRACTICE AREAS

- Florida criminal post-conviction relief
- ineffective assistance of counsel
- plea negotiations
- sentencing

QUESTIONS PRESENTED

1. Whether Diaz's Rule 3.850 claim that counsel failed to advise him adequately about his sentencing exposure under Florida's 10-20-Life statute in connection with an alleged eight-year plea offer was facially sufficient and conclusively refuted by the record.
2. Whether the trial court properly summarily denied Diaz's remaining four grounds for post-conviction relief.

HOLDINGS

1. The trial court erred in summarily denying Diaz's claim that counsel failed to sufficiently advise him of his sentencing exposure under the 10-20-Life statute before he rejected an eight-year plea offer. The claim was facially sufficient and was not conclusively refuted by the record.
2. The summary denial of Diaz's other four grounds for relief was affirmed without comment.

KEY QUOTATIONS

"The summary denial of a claim raised in a rule 3.850 motion can be upheld only if the claim is facially invalid or is conclusively refuted by the record." (2)

"Because Diaz's claim in ground one was facially sufficient and is not conclusively refuted by the record, the trial court erred in summarily denying it." (3)

FACTUAL BACKGROUND

Diaz was charged with attempted first-degree murder with a firearm, possession of a firearm by a juvenile delinquent, and carrying a concealed firearm; the attempted-murder charge was later reduced to attempted second-degree murder. The State alleged firearm possession and discharge causing great bodily harm, which supported a mandatory minimum sentence under Florida's 10-20-Life statute. Diaz alleged that counsel failed to explain that the mandatory minimum could apply even after conviction of a lesser-included offense, causing him to reject an eight-year plea offer; after trial, he received a twenty-five-year mandatory minimum.

PROCEDURAL HISTORY

Diaz was convicted after a jury trial of aggravated battery as a lesser-included offense of attempted murder and carrying a concealed firearm, and he entered an open no-contest plea to possession of a firearm by a juvenile delinquent. The trial court imposed a twenty-five-year mandatory minimum sentence on count one, with concurrent sentences on the other counts. Diaz later filed a Rule 3.850 motion asserting five grounds of ineffective assistance and other post-conviction relief claims. The circuit court summarily denied the motion, and Diaz appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for an evidentiary hearing on ground one of Diaz's Rule 3.850 motion. The summary denial of the other four grounds was affirmed.

CASES CITED

- Peede v. State, Peede v. State, 748 So. 2d 253, 257 (Fla. 1999)
- Key v. State, 357 So. 3d 1227, 1229 (Fla. 4th DCA 2023)
- Louima v. State, 247 So. 3d 564, 566 (Fla. 4th DCA 2018)
- Alcorn v. State, 121 So. 3d 419, 430 (Fla. 2013)
- Peede v. State, Peede v. State, 748 So. 2d 253, 257 (Fla. 1999)
- Tribbitt v. State, 339 So. 3d 1029, 1033 (Fla. 2d DCA 2022)
- Capalbo v. State, 73 So. 3d 838, 840 (Fla. 4th DCA 2011)
- Alcorn v. State, 121 So. 3d 419, 432 (Fla. 2013)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT DANIEL DIAZ, Appellant, v. STATE OF FLORIDA, Appellee. No. 4D2025-2066 [January 7, 2026] Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Martin S. Fein, Judge; L.T. Case No. 17-003298-CF10A. Lindsay L. Chase of Lindsay Chase P.L.L.C., Hollywood, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Richard C. Valuntas, Assistant Attorney General, West Palm Beach, for appellee. PER CURIAM. Daniel Diaz appeals an order summarily denying his motion for post- conviction relief pursuant to Florida Rule of Criminal Procedure 3.850, in which he raised five grounds for relief.

We reverse and remand for an evidentiary hearing as to Diaz's claim in ground one that counsel failed to sufficiently advise him of his sentencing exposure, which caused him to reject a favorable plea offer. We otherwise affirm. Background Diaz was initially charged in this case with attempted first-degree murder with a firearm (count one), possession of a firearm by a juvenile delinquent (count two), and carrying a concealed firearm (count three).

The charge in count one was later reduced to attempted second-degree murder with a firearm. In both versions of the information, the State alleged as to count one that Diaz actually possessed and discharged a firearm during the commission of the offense and caused great bodily harm to the victim as a result, as necessary to support the imposition of a mandatory minimum sentence of 25 years to life under the 10-20-life statute.

See § 775.087(2)(a)(3), Fla. Stat. (2016). Diaz entered an open plea of no contest on count two and went to trial on counts one and three. As to count one, the jury found Diaz guilty of aggravated

battery as a lesser-included offense and found that he actually possessed and discharged a firearm and caused great bodily harm to the victim as a result.

As to count three, the jury found Diaz guilty as charged. The court sentenced Diaz to 25 years in prison as a mandatory minimum on count one, with concurrent sentences of 15 years on count two and five years on count three.

In ground one of his rule 3.850 motion, Diaz claimed counsel was ineffective for failing to sufficiently explain the applicability of the 10-20-life statute before he rejected an eight-year plea offer. Specifically, he claimed counsel failed to explain that, if he went to trial, even if he were convicted of a lesser-included offense on count one, the court still would be required to impose a mandatory minimum sentence of at least 25 years and up to life if the jury found that he actually possessed and discharged a firearm and caused great bodily harm to the victim as a result.

Diaz alleged that he would have accepted the plea offer if he had been advised of that fact. He further alleged that the State would not have withdrawn the offer, the court would have accepted the plea, and his sentence would have been less severe than the 25-year mandatory minimum he ultimately received.

The trial court summarily denied ground one for two reasons: (1) there was no record evidence that the State ever made an eight-year plea offer; and (2) the court fully explained the applicability of the 10-20-life statute when Diaz rejected a 15-year plea offer just before trial. Diaz filed a timely notice of appeal. Analysis The summary denial of a claim raised in a rule 3.850 motion can be upheld only if the claim is facially invalid or is conclusively refuted by the record.

Peede v. State, 748 So. 2d 253, 257 (Fla. 1999). Diaz pled a facially sufficient claim that counsel was ineffective for failing to adequately explain his sentencing exposure under the 10-20-life statute when he was considering the eight-year plea offer. See, e.g., *Key v. State*, 357 So. 3d 1227, 1229 (Fla. 4th DCA 2023); *Louima v. State*, 247 So. 3d 564, 566 (Fla.

4th DCA 2018). Diaz also sufficiently alleged prejudice under *Alcorn v. State*, 121 So. 3d 419, 430 (Fla. 2013). At this stage, the trial court was required to accept Diaz's allegations as true to the extent they were not refuted by the record, including the allegation that the State made an eight-year plea offer at some point before it made the 15-year offer.

Peede, 748 So. 2d at 257; *Tribbitt v. State*, 339 So. 3d 1029, 1033 (Fla. 2d DCA 2022); but see *Capalbo v. State*, 73 So. 3d 838, 840 (Fla. 4th DCA 2011) (recognizing that the court is not required to accept as true an illogical or inherently incredible allegation).

The court did not attach any records refuting Diaz's allegation that an eight-year plea offer was made, and we reject the State's unelaborated argument that the allegation was inherently incredible. Diaz's claim that he was not sufficiently advised of the applicability of the 10-20-life

statute when he was considering the eight-year plea offer is not refuted by the colloquy surrounding his rejection of the 15-year plea offer just before trial.

The fact that Diaz was aware of the applicability of the 10-20-life statute at that time is immaterial to whether he was properly advised at the time he was considering the eight-year plea offer, which he alleged was made earlier in the case. See, e.g., *Alcorn*, 121 So. 3d at 432 (stating that the court must consider the defendant's claim in light of the circumstances as they existed at the time the plea offer was made).

Because Diaz's claim in ground one was facially sufficient and is not conclusively refuted by the record, the trial court erred in summarily denying it. We therefore reverse the court's order as to ground one and remand for an evidentiary hearing on that ground only.

We affirm the summary denial of Diaz's other four grounds for relief without comment. Affirmed in part; reversed and remanded in part. MAY, LEVINE and CONNER, JJ., concur. * * * Not final until disposition of timely-filed motion for rehearing. 3