

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)

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