

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Andy Lee Williams v. State of Florida

Williams · No. 5D2025-1335 · Decided May 23, 2025

SUMMARY

The Fifth District Court of Appeal of Florida denied Andy Lee Williams’s petition alleging ineffective assistance of appellate counsel under Florida Rule of Appellate Procedure 9.141(d). The court concluded that the claimed issue had been considered during the Anders review of the direct appeal and that Williams failed to demonstrate measurable prejudice.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Edwards, C.J.; Lambert, J.; Jay, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	May 23, 2025
DOCKET	5D2025-1335
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original-jurisdiction petition alleging ineffective assistance of appellate counsel under Florida Rule of Appellate Procedure 9.141(d).
PRECEDENTIAL VALUE	Published
PARTIES	Andy Lee Williams v. State of Florida

TOPICS

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

PRACTICE AREAS

- Criminal appellate procedure
- Post-conviction relief
- Ineffective assistance of appellate counsel

QUESTIONS PRESENTED

- Whether Williams established ineffective assistance of appellate counsel based on counsel's failure to raise an argument on direct appeal when the argument had already been raised in Williams's pro se Anders brief and considered by the appellate court.

HOLDINGS

1. The petition alleging ineffective assistance of appellate counsel was denied because Williams could not demonstrate measurable prejudice from counsel's failure to raise an issue that had already been considered, evaluated, and rejected by the court during its Anders review.

KEY QUOTATIONS

“Because [Petitioner] argued in his pro se brief on direct appeal [which proceeded under Anders v. California, 386 U.S. 738 (1967),] that the trial court erred in denying his motion for mistrial, this claimed error was also necessarily considered, evaluated, and rejected by this court such that we found it unnecessary to order additional briefing of this issue from appellate counsel” (at 2)

“[Petitioner] has failed to demonstrate any measurable prejudice from appellate counsel’s failure to raise this argument on direct appeal” (at 2)

FACTUAL BACKGROUND

Williams was convicted and sentenced in a criminal case and pursued a direct appeal under Anders v. California. In a pro se brief during that appeal, he argued that the trial court erred in denying his motion for mistrial. He later filed this petition alleging that appellate counsel provided ineffective assistance by failing to raise the argument on direct appeal.

PROCEDURAL HISTORY

Williams filed a petition alleging that appellate counsel was ineffective during the direct appeal of his criminal conviction and sentence. The direct appeal proceeded under Anders v. California, and Williams had raised the relevant alleged error in a pro se brief. The Fifth District Court of Appeal denied the petition.

DISPOSITION

writ_denied

CASES CITED

- Moran v. State, 311 So. 3d 892, 894 (Fla. 5th DCA 2020)
- Anders v. California, 386 U.S. 738 (1967)
- Morrison v. State, 764 So. 2d 649, 649 (Fla. 1st DCA 2000)

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2025-1335 LT Case No. 16-2021-CF-10901-A
_____ ANDY LEE WILLIAMS, Petitioner, v. STATE OF

FLORIDA, Respondent. _____ Petition Alleging Ineffectiveness of Appellate Counsel. A Case of Original Jurisdiction. Andy Lee Williams, Crawfordville, pro se.

No Appearance for Respondent. May 23, 2025 PER CURIAM. The petition filed in this proceeding under Florida Rule of Appellate Procedure 9.141(d) alleging that Petitioner's appellate counsel provided ineffective assistance during the direct appeal of Petitioner's criminal conviction and sentence is denied. See *Moran v. State*, 311 So. 3d 892, 894 (Fla. 5th DCA 2020) (explaining that, "[b]ecause [Petitioner] argued in his pro se brief on direct appeal [which proceeded under *Anders v. California*, 386 U.S. 738 (1967),] that the trial court erred in denying his motion for mistrial, this claimed error was also necessarily considered, evaluated, and rejected by this court such that we found it unnecessary to order additional briefing of this issue from appellate counsel," resultingly, "[Petitioner] has failed to demonstrate any measurable prejudice from appellate counsel's failure to raise this argument on direct appeal"); *Morrison v. State*, 764 So.

2d 649, 649 (Fla. 1st DCA 2000) (holding that a defendant cannot establish prejudice from appellate counsel's failure to raise an issue where the issue was considered by the court in its review pursuant to *Anders* because it was raised in the defendant's pro se brief). PETITION DENIED. EDWARDS, C.J., LAMBERT and JAY, JJ., concur. _____

Not final until disposition of any timely and authorized motion under Fla. R. App.

P. 9.330 or 9.331. _____ 2