

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Leroy R. Gadson v. State of Florida

Gadson · No. 5D2025-1267 · Decided October 24, 2025

SUMMARY

The Fifth District Court of Appeal of Florida affirmed the denial of Leroy R. Gadson’s Florida Rule of Criminal Procedure 3.850 motion based on an allegedly undisclosed plea offer. The court held that the newly discovered fact exception requires the fact to have been unknown to both the defendant and trial counsel, and therefore counsel’s knowledge of the offer precluded the claim. The court certified conflict with decisions of the Fourth and Second District Courts of Appeal.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Eisnaugle, J.; Soud, J.; MacIver, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	October 24, 2025
DOCKET	5D2025-1267
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gadson appealed the denial of a Florida Rule of Criminal Procedure 3.850 postconviction motion alleging newly discovered evidence based on trial counsel's failure to convey a favorable plea offer.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review.
PRECEDENTIAL VALUE	Published intermediate appellate decision; binding within the Fifth District on the decided issues, subject to further review and the certified conflict.
PARTIES	Leroy R. Gadson v. State of Florida

TOPICS

- state post-conviction relief
- post-conviction relief
- plea bargaining
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal post-conviction

criminal procedure

appellate procedure

plea bargaining

statutory and rule interpretation

QUESTIONS PRESENTED

1. Whether Rule 3.850(b)(1)'s newly discovered evidence exception requires the underlying fact to have been unknown to both the defendant and the defendant's attorney.
2. Whether *Taylor v. State* held that trial counsel's knowledge of an un conveyed plea offer does not preclude reliance on the newly discovered evidence exception.
3. Whether the Fifth District should follow *Clark v. State* and *Tribbitt v. State* or certify conflict with those decisions.

HOLDINGS

1. Florida Rule of Criminal Procedure 3.850(b)(1) requires that the facts supporting a newly discovered evidence claim were unknown to both the movant and the movant's attorney and could not have been ascertained through due diligence. Accordingly, counsel's knowledge of an un conveyed plea offer precludes treating that offer as newly discovered evidence under the rule.
2. *Taylor v. State* did not hold that counsel's knowledge of an undisclosed plea offer does not preclude a newly discovered evidence claim and therefore was not binding on that issue.

KEY QUOTATIONS

“We cannot follow Clark and Tribbitt because, as we have explained, the plain language of rule 3.850(b)(1) requires that the newly discovered fact be previously unknown to both the defendant and trial counsel.” (3)

“Perhaps the rule should permit a newly discovered evidence claim based on an un conveyed plea offer despite counsel’s knowledge. But that is not for this court to decide. Only the Florida Supreme Court has authority to amend the rule.” (4)

FACTUAL BACKGROUND

Gadson alleged that trial counsel failed to convey a favorable plea offer. His motion asserted that he learned of the offer from his uncle, who was present with trial counsel when the offer was made at a status hearing, and included the uncle's affidavit. Because the motion was filed more than two years after the judgment and sentence became final, Gadson invoked the newly discovered evidence exception in Rule 3.850(b)(1).

PROCEDURAL HISTORY

Gadson filed his Rule 3.850 motion more than two years after his judgment and sentence became final. The circuit court denied relief, reasoning that trial counsel's knowledge of the plea offer precluded treatment of the offer as newly discovered evidence. The Fifth District Court of Appeal affirmed and certified conflict with *Clark v. State* and *Tribbitt v. State*.

DISPOSITION

affirmed

CASES CITED

- Taylor v. State, 248 So. 3d 280, 281 & n.1 (Fla. 5th DCA 2018)
- Clark v. State, 236 So. 3d 481, 482 (Fla. 4th DCA 2018)
- Tribbitt v. State, 339 So. 3d 1029, 1034 (Fla. 2d DCA 2022)
- Valadez-Lara v. Barr, 963 F.3d 560, 567 (6th Cir. 2020)
- USAA Cas. Ins. Co. v. Mikrogiannakis, 342 So. 3d 871, 873 (Fla. 5th DCA 2022)
- United States v. One 1973 Rolls Royce, V.I.N. SRH-16266 By & Through Goodman, 43 F.3d 794, 815 n.19 (3d Cir. 1994)
- State v. Du Bose, 128 So. 4, 6 (Fla. 1930)
- Deblois v. Dominguez, 390 So. 3d 51, 54 n.5 (Fla. 3d DCA 2023)
- Physicians Med. Ctrs. v. Allstate Fire & Cas. Ins. Co., 335 So. 3d 1284, 1289 (Fla. 1st DCA 2022)
- Petit-Homme v. State, 205 So. 3d 848, 849 (Fla. 4th DCA 2016)

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