

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Pleadro J. Scott v. State of Florida

Scott · No. 3D25-1769 · Decided October 22, 2025

SUMMARY

The Third District Court of Appeal of Florida dismissed Pleadro J. Scott’s habeas corpus petition alleging ineffective assistance of appellate counsel. The court held that the petition was untimely because Scott’s conviction and sentence became final more than twelve years earlier, citing Florida Rule of Criminal Procedure 9.141(d)(5).

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge SCALES; Judge LOBREE; Judge GOODEN
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	October 22, 2025
DOCKET	3D25-1769
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought an original-jurisdiction writ of habeas corpus, alleging ineffective assistance of appellate counsel during his direct appeal.
PRECEDENTIAL VALUE	Published
PARTIES	Pleadro J. Scott v. State of Florida

TOPICS

- habeas corpus
- ineffective assistance
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether Scott's petition alleging ineffective assistance of appellate counsel was timely under Florida Rule of Criminal Procedure 9.141(d)(5).

HOLDINGS

1. A petition alleging ineffective assistance of appellate counsel on direct review is untimely when filed more than two years after the judgment and sentence become final, absent the rule's specific exception for affirmative misleading by counsel, and in no event may it be filed more than four years after finality. Because Scott filed his petition more than twelve years after finality, the petition was untimely.

KEY QUOTATIONS

“A petition alleging ineffective assistance of appellate counsel on direct review must not be filed more than 2 years after the judgment and sentence become final on direct review unless it alleges under oath with a specific factual basis that the petitioner was affirmatively misled about the results of the appeal by counsel. In no case may a petition alleging ineffective assistance of appellate counsel on direct review be filed more than 4 years after the judgment and sentence become final on direct review.” (2)

FACTUAL BACKGROUND

Scott alleged that his appellate counsel was ineffective during his direct appeal. His conviction and sentence had become final more than twelve years before he filed the habeas petition.

PROCEDURAL HISTORY

Scott's conviction and sentence became final after his direct appeal more than twelve years before he filed the habeas petition. The Third District Court of Appeal dismissed the petition as untimely under Florida Rule of Criminal Procedure 9.141(d)(5).

DISPOSITION

dismissed

CASES CITED

- Scott v. State, 114 So. 3d 393 (Fla. 3d DCA 2013)
- Scott v. State, 123 So. 3d 1147 (Fla. 2013)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 22, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1769 Lower Tribunal No. F08-8261 _____ Pleadro J. Scott, Petitioner, vs. State of Florida, Respondent. A Case of Original Jurisdiction – Habeas Corpus. Pleadro J. Scott, in proper person.

James Uthmeier, Attorney General, and Kayla Heather McNab, Assistant Attorney General, for respondent. Before SCALES, C.J., and LOBREE and GOODEN, JJ. PER CURIAM. Petitioner Pleadro J. Scott petitioned this Court for a writ of habeas corpus, alleging that his appellate

counsel was ineffective during his direct appeal. But his conviction and sentence became final after direct appeal over twelve years ago.

See *Scott v. State*, 114 So. 3d 393 (Fla. 3d DCA 2013); *Scott v. State*, 123 So. 3d 1147 (Fla. 2013). For this reason, his petition is untimely. See Fla. R. Crim. P. 9.141(d)(5) (“A petition alleging ineffective assistance of appellate counsel on direct review must not be filed more than 2 years after the judgment and sentence become final on direct review unless it alleges under oath with a specific factual basis that the petitioner was affirmatively misled about the results of the appeal by counsel.

In no case may a petition alleging ineffective assistance of appellate counsel on direct review be filed more than 4 years after the judgment and sentence become final on direct review.”). Petition dismissed. 2