**FLW Summaries for September 2024**

**Prepared by Laurel Cornell Niles***

## Florida Supreme Court

*Steven Edward Stein v. State*, SC2022-1787 (Sept. 19, 2024): Appeal from circuit court order summarily denying third successive motion for postconviction relief. An investigator working on Stein's federal habeas petition discovered that the fiancée of a state witness said her fiancé (the witness) expected to receive a deal for his testimony at trial. Therefore, according to Stein, the State committed a *Brady* violation by not telling the defense about the deal in exchange for his testimony. The claims are time-barred. Stein had access to both witnesses and could have questioned them on this issue. He has offered no reason why, with due diligence, he could not have timely discovered the alleged expectation of an agreement with the State. Additionally, he failed to prove a *Brady* violation on the merits. There is no allegation that the State knew about or suppressed information relating to the witness's expectations. Moreover, the issue would not be material because the State's case was strong, so it is unlikely that impeachment on this issue would have altered the result in this case. Since Stein can't meet the materiality prong on *Brady*, he also can't meet the more demanding *Jones* probability standard as it relates to a newly discovered evidence claim. Affirmed.

*John Sexton v. State*, SC2023-0079 (Sept. 12, 2024): Appeal from sentence of death, following a second penalty-phase trial. All eight of his claims are denied. Labarga concurrence regarding inappropriate prosecutorial comments to the court referring to the re-trial of the penalty phase as "a racket," questioning the legitimacy of experts, accusing the experts of "fleecing the public" in a death penalty case should have been rebuked by the trial court. Death sentence affirmed.

**First DCA**

*Johnson v. State*, 1D2023-1266 (Sept. 11, 2024): Appeal from manslaughter conviction following a jury trial. Appellant argues there was an error in the jury instructions (specifics not discussed.) The instruction was requested by defense counsel, so it cannot constitute fundamental error because any error in the instruction was invited. Affirmed.

*White v. State*, 1D2023-0966 (Sept. 11, 2024): Appellant argues trial court should have granted JOA because, in a trial for L&L molestation, the State presented no evidence that he touched the alleged victim's "genitals" or "genital area," because the victim testified that he touched, "near her vagina" and "not far above it." The version of the statute in effect on the date that the crimes were alleged to have been committed did not define "genitals" or "genital area," but the question is whether the State produced competent substantial evidence to establish the element of the crime. The DCA finds that the testimony is legally sufficient to permit a reasonable jury to determine that Appellant touched the genitals or genital area. Affirmed.

*McGowan v. State*, 1D2023-0573 (Sept. 11, 2024): Appeal from conviction of first-degree murder and grand theft auto and sentenced to life in prison. Appellant alleges that the trial court erred in giving an *Allen* charge over defense counsel's objection, and three evidentiary errors. Finding no error in giving the *Allen* charge, the DCA held that although it was late at night when the *Allen* charge was given, the jury had deliberated for seven hours, had informed the court that they were deadlocked, and there were no coercive deadlines or threats of marathon deliberations. Finally, there was no request from the jury to recess for the evening. It was not error to admit body camera footage from the scene of the shooting, that showed the victim's family's grief in the immediate aftermath of the murder, because the condition of the crime scene shortly after the shooting was more probative than prejudicial. Affirmed.

*Hoskins v. State*, 1D2023-0422 (Sept. 11, 2024): Reversed/remanded for new trial because the trial court erred in failing to conduct a *Nelson* hearing in response to Appellant's repeated requests to discharge her counsel. Appellant clearly and unequivocally indicated in writing that she wished to discharge her counsel because she alleged ineffectiveness arising from the current representation, and also stated reasons for her belief that counsel was incompetent. This satisfied that *Blanding* elements. Additionally, the State's claim that Appellant abandoned this issue by not expressing dissatisfaction with counsel at trial must fail because Appellant is not required to repeatedly bring the issue to the trial court's attention in the hope of receiving a different ruling. Reversed/remanded.

*Vowell v. State*, 1D2022-3840 (Sept. 11, 2024): Appeal from order denying 3.850 motion for postconviction relief, alleging ineffective assistance of counsel for failing to adequately prepare her for her proffer and trial testimony. At the evidentiary hearing, counsel testified that he and Appellant discussed the areas the prosecution would explore and how to handle those issues, including being honest in her proffer, not telling half-truths, and not getting upset. Appellant testified that she disregarded counsel's advice to tell the complete truth and withheld important information during the proffer. She also used meth immediately before the proffer and the postconviction court questioned what amount of preparation would have been sufficient to overcome Appellant's own behavior. The DCA held that Appellant did not demonstrate deficient performance or prejudice. Affirmed.

*Morrow v. State*, 1D2022-2947 (Sept. 11, 2024): Appeal from the denial of his motion to withdraw plea without affording him conflict-free counsel. Reversed pursuant to *Sheppard*, 17 So. 3d 275 (Fla. 2009). The circuit court struck the pro se motion as a nullity because Appellant was represented by counsel, and the trial court found that the motion had not made allegations of an adversarial relationship between Appellant and his counsel. However, as grounds for withdrawal, the motion alleged that trial counsel had not visited Appellant in one year, that counsel never took a deposition of one of the officers or interviewed two other officers,

that counsel should have deposed additional witnesses, that counsel should have demanded a statement of particulars, and jurisdictional and double jeopardy issues. The court allowed Appellant to be heard and then counsel said he did not agree with the arguments and did not believe the pro se motion had merit; further, if Appellant wanted to go forward on the motion, counsel would have to withdraw. The court did not remove counsel despite Appellant's assertion that he would seek a court-appointed attorney if the court were to grant the motion to withdraw plea. This case is similar to *Jones*, 74 So. 3d 118 (Fla. 1st DCA 2011). The record does not refute the arguments raised. Reversed/remanded with directions to vacate the order denying the motion to withdraw plea, and to appoint conflict-free counsel.

*Weber v. State*, 1D2022-1734 (Sept. 11, 2024): Appellant failed to show counsel's performance was deficient where he objected to the prosecutor's improper comments ("It's not open season on mopeds") but did not move for a mistrial. Affirmed denial of 3.850 motion alleging IAC.

**Second DCA**

*Isaac Hart III v. State*, 2D2022-3992 (Sept. 6, 2024): Appeal from revocation of probation based on an admission of two new law violations, and sentence of prison. Appellant argues that the trial court lacked jurisdiction to revoke his probation because his probation had terminated automatically before he was alleged to have violated it. Appellant had filed a motion requesting early termination; the State and probation was requested by the court to respond within 10 days. The court added that, "if no written objection is received by March 21, 2022, the Court will grant the motion without further notice." The State did not respond, but the Department of Corrections did, and indicated that it did *not object* to the motion for early termination. However, before DOC responded, Appellant was arrested for crimes on March 20, 2022. On April 13, DOC filed a VOP affidavit alleging these crimes were committed on March 20. Appellant contends that the trial court's order was self-executing, and because neither the State nor DOC objected to the early termination of his

probation, his probation automatically terminated. DCA affirms because the VOP occurred before the date the trial court had set for the State and DOC to respond. Affirmed.

*Broderick Karcewski v. State*, 2D2021-3443 (Sept. 13, 2024): Juror misconduct issue—Appellant contends that fundamental error occurred due to juror misconduct arising from a juror's lack of candor during jury selection. Appellant filed a motion for new trial that did not raise a juror misconduct issue. Two months later, he filed a second motion for new trial alleging the issue of juror misconduct, but did not seek to amend the original motion for new trial to include the juror issue. The trial court concluded that the second motion was untimely, and there was no good cause shown for the delay. "We are troubled by the juror's possible lack of candor… But we reject the argument that the trial court erred in denying the second motion for new trial." The DCA also rejects the fundamental error argument. Affirmed without prejudice to file a timely, facially sufficient motion for postconviction relief. Affirmed.

**Third DCA**

*Figueroa v. State*, 3D23-2215 (Sept. 4, 2024): Petition for writ of prohibition from trial court's order denying Stand Your Ground immunity. The trial court's detailed order reflects its diligence in the process of weighing and assessing, and there is CSE in the record to determine that the State had overcome the prima facie claim of self-defense immunity by clear and convincing evidence. The DCA will not substitute its judgment for that of the trier of fact. Petition denied.

*Kinley v. State*, 3D20-1725 (Sept. 11, 2024): The trial court initially granted Appellant a new trial due to having failed to give required jury instructions for justifiable and excusable homicide, but before the new trial commenced, reconsidered the order granting new trial after the Florida Supreme Court decided *Knight v. State*, 286 So. 3d 147 (Fla. 2019). The issue on appeal is whether the trial court had the authority to reconsider the order granting a new trial, or whether the State's only remedy would have been an authorized appeal of the new trial order. The

DCA concludes that the trial court had the authority to reconsider the order granting a new trial, deny it, and reinstate the sentence. The new trial mandated by the reconsidered order had not yet occurred. The order granting the new trial was not a final order. It would also create an absurd result if there was a prohibition on the trial court's inherent ability to set aside an order that was rendered incorrect based on a subsequent change in the law. Affirmed.

*Torolopez v. State*, 3D23-2255 (Sept. 16, 2024): Emergency motion seeking review of the trial court's second denial of supersedeas bond following his convictions for aggravated assault and battery. Previously, the DCA granted relief to Torolopez, finding that the trial court did not properly consider the factors outlined in Rule 3.691 and *Younghans*. The trial court conducted another hearing and entered a second order denying his motion for supersedeas bond. The DCA concludes now that "the trial court's second order suffers from similar infirmities to its first order." He has no criminal history, except for an arrest for battery which was nolle prossed. Regarding his sighs at trial during witness testimony, these facts do not support the trial court's finding of lack of respect for the legal system. His trial was his first encounter with the system, and upon being instructed, he obeyed and refrained from any further outburst. Torolopez's statement on the witness stand that the other witnesses were "liars" also does not evince a lack of respect for the system, because the testimony shows "at least a colorable dispute over what the witnesses saw." Maintaining his innocence at trial and calling the witnesses liars does not rise to the level of mendacity demonstrating disrespect for the legal system. The court's finding that he was "uncooperative, irate, and loud requiring the police to handcuff him" was taken out of context from what the testimony was; even if he was loud and irate and uncooperate at first, the evidence showed he calmed down and spoke with officers; this does not evidence a lack of respect for the legal system either. The most significant basis relied on by the trial court in denying bond, which was the determination of insufficient community ties, relies on an incorrect factual basis and deviates from the legal standards governing this analysis. The trial court appeared to conclude that the ties to a community within Florida, but outside of Miami-Dade County, could not

suffice to establish local attachments to the community. He had local ties to Miami-Dade and to other communities within Florida, and a history of full compliance and attendance at all court hearings, which is enough for this factor. The sentence was five years in prison, but the charges are eligible for bond, and a five-year sentence is not of sufficient length to justify denial of a supersedeas bond on that basis alone. Applying the *Younghans* factors properly, the trial court would have been compelled to grant an appropriate supersedeas bond. Remanded for the court to set an appropriate bond within seven days.

*Sciallo v. State*, 3D23-2078 (Sept. 18, 2024): Reverses withhold of adjudication and probation sentence for petit theft, after a juror should have been stricken for cause. The juror indicated that he had several family members who had been robbery victims, and "I don't know how it would affect my opinion on this. I don't think it would, but just going through that." He said he would be thinking about the crimes committed against his family members if selected as a juror in this case— "you try not to, of course, but I can't say for sure I wouldn't think of it. But I would try not to… I can't guarantee it." The juror was not rehabilitated and the defense moved to strike him for cause. The trial court denied the cause challenge and the defense exercised a peremptory, exhausted all remaining peremptories, and requested an additional peremptory for the purpose of striking an identified juror. The court denied the motion and the defense accepted the panel subject to prior objections. The trial court erred in failing to excuse the juror for cause where a reasonable doubt existed as to his ability to be impartial. Reversed/remanded for a new trial.

*Sukhwa v. State*, 3D23-1051 (Sept. 18, 2024): Appellant contends his due process rights were violated because the pretrial photographic identification procedures used by law enforcement were impermissibly suggestive to give rise to a substantial likelihood of misidentification, which tainted the subsequent in-court identification. A photographic identification procedure is not suggestive merely because the display does not depict persons of the same race or ethic group, however

displaying persons of markedly difference race or ethnicity may be unduly suggestive. Affirmed.

*State v. Wood*, 3D22-1925 (Sept. 25, 2024): Reversed; see *State v. Miller*, 2024WL 3434091 (Fla. 3d DCA July 17, 2024) (holding that the Office of Statewide Prosecution has authority to bring voting fraud charges against a voter because the offense occurs in two Florida Judicial Circuits.)

*Sanchez v. State*, 3D22-0817 & 3D22-2097 (Sept. 18, 2024): Appellant sought to withdraw his guilty plea twenty-six years after entering it, and after he had already served one sentence but was still serving a longer (life) sentence. The DCA reviewed the care and detail in the exchange between Appellant and the trial court twenty-six years previously and finds no manifest injustice in the denial to withdraw his plea. Affirmed.

**Fourth DCA**

*Perez v. State*, 4D2023-1252 (Sept. 4, 2024): Appeal from a restitution order awarding $3,416.36 in property damage for the cost of repairing a sheriff's office vehicle arising from a DUI conviction. The state failed to prove that the vehicle for which the state sought restitution was the vehicle that the defendant had damaged. Below, defense counsel argued that the state had not connected the vehicle to the crime, and the State "showed" the accident report to the judge. On appeal, the State argued that the defense did not provide an adequate Record on Appeal because the record did not include the accident report, and that precluded the appellate court from conducting an adequate review. Appellate counsel for the defense argued that that is precisely the point—the accident report is not in the record because it was not introduced into evidence at the restitution hearing, which amounts to the State's failure to prove restitution. Thus, because the accident report was not admitted into evidence, and there was no other evidence linking the damaged car to the defendant, the restitution order was not supported by competent substantial evidence. Reversed with instructions to vacate the restitution order.

*Williams v. State*, 4D2023-0987 (Sept. 4, 2024): Circuit court erred in sentencing the defendant, who was a juvenile when he committed the crimes of first-degree murder with a firearm, attempted first-degree murder with a firearm, and robbery with a firearm, to life in prison without providing for a sentence review. The jury expressly found that the State had not proven that the Defendant had "actually killed" "intended to kill" or "attempted to kill" the victim. The State concedes error. Under 775.082 (1)(b)2, 775.082 (3)(a)5.b., or 775.082(3)(b)2.b., a juvenile is entitled to a review of his or her sentence after 15 years. Remanded for the ministerial act of corrected the sentences to show that he is entitled to sentence review after 15 years.

*Cowins v. State*, 4D2023-2564 (Sept. 11, 2024): Adopted 2DCA's reasoning from *Oquendo*, and certified conflict with 1DCA's decision in *Mizell*, holding that a defendant's diagnosis of PTSD is not relevant on the question of self-defense, because even though the defendant's perceptions are relevant when assessing the applicability of self-defense, the self-defense test is not a subjective one—his belief must have been objectively reasonable. Evidence of PTSD would only go to show that his reaction was objectively *unreasonable* because of a misperception of the dangerousness of the situation—i.e., some others, who do not have PTSD, would not deem the situation to be as dangerous as it appeared to the defendant. Affirmed/conflict certified. (*Oquendo* is pending in the Florida Supreme Court.)

*Woods v. State*, 4D2023-1647 (Sept. 11, 2024): Reversed on cost issues. First, the State may not request investigative costs on the agency's behalf without the agency's request. There was no record evidence of requested investigative costs, thus the $50 in investigative costs must be stricken. Second, the circuit court did not break down the statutory authorities for the court costs; neither did the written judgment/sentence. Remanded for an evidentiary hearing to determine the statutory bases for the remaining court costs.

*Flaherty v. State*, 4D2024-0401 (Sept. 18, 2024): Appeal from the revocation of probation and subsequent sentencing. The evidence was insufficient to identify Appellant as the person who committed the crimes

alleged in the VOP affidavit. State agrees/confesses error. Reversed/remanded. The State may attempt to prove a violation based on the same circumstances upon filing a new affidavit, if the probationary period has not expired.

*Walker v. State*, 4D2022-3397 (Sept. 18, 2024): Appeal from second degree murder and grand theft convictions and a motion to suppress. Majority finds no merit in his invocation of right to silence claim, or fruit of the poisonous tree claim. Judge Warner, concurring, writes separately to discuss the real-time use of CSLI to track the defendant's whereabouts. Using such tracking data without a warrant is a search in violation of the Fourth Amendment. "It is very concerning that appellate was potentially deprived of a constitutional right… But because these arguments differ from those made in the trial court, I concur." Affirmed.

*Vera v. State*, 4D2023-1311 (Sept. 25, 2024): Trial court erred by denying motion to suppress because police obtained the confession by coercion. Detectives told Appellant they had video of the entire block, which showed his truck at the place of crime. They also told him that they would confiscate his truck if he didn't cooperate. They handcuffed him as they told him this. Based on the totality of the circumstances, including the misrepresentations and threats, the confession was not voluntary. They threatened him with loss of his truck if he did not confess, three times. They pointed out that it would be a permanent confiscation, and he could not afford to buy a new truck. The state argued on appeal that these threats were not coercion because they accurately represented Florida law, i.e., that police may seize property used in the commission of a crime. But a confession may be deemed inadmissible when officers expressly or implicitly condition leniency or harsher punishment on whether the defendant gives a confession. At the time they threatened Appellant, police had no evidence of his involvement and only believed the truck was a "possible suspect vehicle." The confession came immediately after the threat. Under the totality of the circumstances, the trial court erred in denying the motion to suppress. Reversed and remanded to vacate convictions, sentence, civil judgments for court costs and restitution.

*Young v. State*, 4D2023-1056 (Sept. 25, 2024): Police obtained a search warrant to search the Facebook account believed to belong to the Appellant, in connection with a shooting homicide, but the trial court suppressed the records after the detective could not articulate his probable cause for the warrant. After the trial court granted that motion to suppress, the detective told the prosecutor that Facebook records from the same Facebook account had been obtained months earlier pursuant to a search warrant in connection with a retail theft and organized fraud, involving Appellant and unrelated to the shooting. The detective then searched through these records and reviewed Appellant's messaging history, which linked him to the shooting. Appellant filed a motion to suppress arguing that the detective did not have a warrant to search through these records for evidence in the homicide case. The State argued that even if the detective should have secured a second warrant before searching the records, the evidence should not be suppressed under the good-faith exception because the detective reasonably believed his actions were lawful because he only had searched through evidence compiled pursuant to a valid search warrant, albeit a warrant for a different crime. The trial court denied the MTS, finding that the search violated the Fourth Amendment but the circumstances did fit the good-faith exception to the exclusionary rule. The DCA reversed, finding that applying the good-faith exception here would incentivize warrantless searches under unsettled areas of law, while the Fourth Amendment requires a warrantless search to be *specifically authorized by law*. The error was not harmless because the records were important in proving that Appellant was the person who was called by someone who just said she was going to call her child's father to come shoot the other woman (important: while Appellant had a child with that person, that person had five other children who were not Appellant's children.) Thus, the Facebook records were important in linking Appellant to the phone number she called. The records also contained a photo of Appellant brandishing a gun similar to the murder weapon. Lastly, no witness testified that they had clearly seen Appellant fire the shots. Reversed/remanded for a new trial, at which the Facebook records may not be admitted.

*Craig v. State*, 4D2022-1728 (Sept. 25, 2024): Appellant filed a motion to suppress evidence obtained through the use of a cell site simulator linked to his phone, because law enforcement never obtained nor even sought a warrant for use of the cell site simulator (StingRay, Triggerfish, etc.). The State argued that law enforcement already knew Appellant's identity, his complete criminal background, and had already confirmed his home address before it used the cell site simulator, so the state would have discovered the evidence at issue even without the use of the cell site simulator. The trial court held that although the use of the cell site simulator without a warrant is a constitutional violation, the motion to suppress should be denied because law enforcement was already in the process of traveling to the residence when it used the cell site simulator merely to obtain the current location of appellant's phone (which was at his residence.) Accordingly, law enforcement did not travel to the residence based on the information obtained from the illegal use of the cell site simulator. The DCA agreed, holding that the trial court correctly applied the inevitable discovery doctrine in this case. Appellant's address, where he was ultimately found with his cell phone, was obtained without the use of the simulator. The case was already in such a posture that the facts already in the possession of the police would have led to this evidence notwithstanding the police misconduct. Affirmed.

**Fifth DCA**

*Walker v. State*, 5D2023-2768 (September 6, 2024): First degree murder, robbery, PFCF convictions. Appellate counsel filed an *Anders* brief. DCA remands to correct a scrivener's error re: a checkbox on a ten-year sentencing provision regarding the PFCF charge that was not orally pronounced. The written sentence otherwise comports with the oral pronouncement, except for the checkbox, which was "inadvertent." Resentencing to correct a scrivener's error is a ministerial act, so Appellant need not be present. Affirmed/ Remanded with instructions.

*McDermott v. State*, 5D2023-3013 (September 13, 2024): Appellate counsel was ineffective for failing to argue error in the trial court's

instruction to the jury following the jury's requests for transcripts. The trial court failed to tell the jury that it had the right to request a read-back, when the jury requested transcripts. The court cannot say whether the error was harmless. The jury requested transcripts from multiple key witnesses at trial and the trial court responded, "we don't have a transcript printed up." The jury returned to deliberate but then wrote three specific questions about the testimony from the three key witnesses, and the trial court told them to rely on their memories. Defense counsel at trial requested that the court inform the jury that they could get a read-back of the requested testimony, and the court refused to so instruct them. On appeal, defense counsel did not raise this issue. Fla. R. Crim. P. 3.410 provides the procedures that must be followed in the case that a jury requests to have the transcripts of the trial testimony—the judge must deny the request for transcripts and the judge *must instruct the jurors that they can request to have any testimony read or played back*. The Florida Supreme Court has held that a trial court commits *per se* reversible error when it erroneously instructs a jury prior to deliberations that it cannot have any testimony read back, because it is impossible to determine the effect of the erroneous instruction on the jury without engaging in speculation, so the reviewing court cannot conduct a harmless error analysis. However, the harmless error analysis may be applied if the trial court fails to advise the jury that it may request a read-back in response to a request for specific testimony. Here, the jury's questions regarding what certain witnesses testified to at trial were in direct response to the jury being told to narrow down a general request for transcripts and that transcripts were not "printed up." Therefore, the questions should be viewed as a request to review transcripts/for a read-back. New appellate counsel should be permitted to argue this issue and the State should be given the opportunity to establish beyond a reasonable doubt that the trial court's erroneous instructions did not contribute to McDermott's conviction. A new appeal is authorized as to this issue only.

*Rodriguez v. State*, 5D2023-2256 (September 27, 2024): Appellant was sentenced to life for violations of Fla. Stat. 800.04(5)(b), with a 25-year minimum mandatory provision. The min-man was erroneous because in

*Leon v. State*, 190 So. 3d 243, the DCA held that, for convictions under this statute, the sentencing court is authorized to impose either a life sentence or a split sentence incorporating a term of 25 years' imprisonment, but not a life sentence with a 25-year min-man. Remanded for the ministerial act of removing the minimum mandatory provision in the life sentence.

**Sixth DCA**

*State v. Marlon Manuel Diaz*, 6D2023-3742 (Sept. 13, 2024): State appeal from order granting motion to suppress narcotics, firearm, and statements from a traffic stop. Police observed appellee park in a handicapped parking space, without displaying a disabled parking permit or disabled license plate. He began driving away and police stopped him. The trial court granted the motion to suppress because the police only observed him parked in the handicapped spot for two minutes, so there was insufficient evidence of a "clear traffic infraction." The trial court reasoned that it can take a lot more than two minutes to display a disability parking permit. Further, a person may temporarily stand in a disabled spot without a parking permit or plate if they are chauffeuring a person who has a disability and unloading or loading that person, per Florida Statutes. The DCA reverses because the standard is objective—whether probable cause existed regarding the apparent violation of the disabled permit statute. Additionally, there was no CSE about how long it takes a person to display a disability permit. There was also no evidence that Appellee was chauffeuring, loading, or unloading a person with a disability. Reversed/remanded.

*Lorenzo Golphin v. State*, 6D2023-0775 (Sept. 6, 2024): Trial court erroneously imposed "Additional SAO costs of prosecution fees" of $200, and the judgment lien improperly imposes "cost of prosecution" of $200. Per Florida Statute 938.27(8), costs for the state attorney must be set in all cases at… no less than $100 per felony case and may set a higher amount upon a showing of sufficient proof of higher costs incurred. The State did not request a higher amount or submit proof of more costs

incurred. Remanded to enter a corrected Monetary Obligations Order. This is a ministerial correction and Appellant's presence is not required.

* Laurel Cornell Niles graduated cum laude from the Florida State University College of Law, where she was an Ucola Katzentine & Tobias Simon Scholar, on the Dean's List, and inducted into the Phi Delta Phi Legal Honor Society.

Mrs. Niles has been licensed as an attorney since 2013. She has litigated every stage of the criminal legal process, from first appearance through certiorari petition to the United States Supreme Court, providing zealous advocacy for individuals accused of misdemeanor, felony, and capital offenses. In addition to first-chair representation at the trial court level, Mrs. Niles has represented clients as appellate counsel, having briefed hundreds of direct appeals, as well as final orders from postconviction petitions. Mrs. Niles has argued in the Florida Supreme Court and is admitted to practice in all state courts of Florida and the United States District Court for the Northern District of Florida.

Mrs. Niles has presented Continuing Legal Education workshops and has lectured at the Florida State University College of Law on the topics of Fourth Amendment searches and Sixth Amendment right to counsel. Mrs. Niles is a member of the Florida Bar Criminal Law Section and the Florida Association for Criminal Defense Lawyers.

Mrs. Niles and her family reside in Tallahassee, Florida.