Supreme Court of Florida

No. SC2024-0314

STATE OF FLORIDA,
Petitioner,

vs.

DEANGELO ROBINSON,
Respondent.

November 12, 2026

FRANCIS, J.

Is the State entitled to the recapture period under Florida Rule of Criminal Procedure 3.191 when charges are not filed until after the speedy trial period has run?

For more than two decades, under *State v. Williams*, 791 So. 2d 1088 (Fla. 2001), our answer has been no, as we held that a defendant is entitled to automatic discharge based solely on the State's failure to file charges within the speedy trial period, without affording the State an opportunity for recapture. *Id.* at 1091. Last year, however, we amended rule 3.191 prospectively to clarify that

"the recapture period is mandatory in all situations." *In re Amends. to Fla. Rule of Crim. Proc. 3.191*, 411 So. 3d 385, 386 (Fla. 2025).

We accepted for review a decision of the Fifth District Court of Appeal that vacated Deangelo Robinson's convictions and sentences for attempted murder and possession of a firearm by a convicted felon, which concluded that our decision in *Williams* compelled such a result merely because the State did not file the charges until after the speedy trial period had expired. *See Robinson v. State*, 430 So. 3d 183 (Fla. 5th DCA 2024). While our rule amendments did much of the work of correcting *Williams*'s error, the district court certified a question asking us to reconsider that precedent, now giving us the opportunity to complete that task.[1] Because rule 3.191's text never permitted discharge without affording the State the recapture period, we answer the question in the affirmative, recede from *Williams*, and quash the Fifth District's decision in *Robinson*.

1. We have jurisdiction. *See* art. V, § 3(b)(4), Fla. Const.

I.

In April 2015, the Jacksonville Sheriff's Office (JSO) obtained a warrant for Robinson's arrest for attempted murder and possession of a firearm by a convicted felon. Proving elusive, JSO sought assistance from the Florida Department of Law Enforcement (FDLE) in locating and arresting Robinson on the Duval County warrant. In late October, FDLE learned that Robinson would be attending a large music festival in Suwannee County and contacted the Suwannee County Sheriff's Office (SCSO) to assist in apprehending him on the outstanding warrant.

On November 2, 2015, FDLE agents coordinated with SCSO deputies to orchestrate Robinson's takedown. Following the arrest, FDLE agents conducted a pat-down search and discovered illegal drugs in Robinson's pocket. An SCSO deputy then approached Robinson's vehicle and observed in plain view a firearm and a plastic bag containing illegal mushrooms. A subsequent search of the vehicle uncovered additional drugs.

That same day, FDLE turned Robinson over to SCSO for booking. SCSO deputies, however, booked him only on "local charges" based on contraband recovered at the scene. Although the

deputies initially expected that Robinson would be transported to Jacksonville to face the charges in the Duval County warrant, FDLE ultimately agreed, without explanation, to allow SCSO to proceed on the local charges instead. SCSO then placed a detainer on Robinson at Duval County's request for the attempted-murder and firearm charges.

Robinson was convicted in Suwannee County on the local charges and sentenced to 20.4 months in prison. Two days before that sentence ended, on April 28, 2017, he was transported to Jacksonville, where he was served with the Duval County warrant and arrested on those charges. He was formally charged and booked the following day.

Robinson filed a motion for discharge, arguing that the November 2, 2015, takedown constituted an "arrest" triggering the speedy trial clock; and because he was not formally charged until April 29, 2017, the State failed to file charges within 175 days, thereby entitling him to automatic discharge under *Williams*. The trial court denied the motion.

Robinson ultimately entered a "best interest" plea to the Duval County charges and was sentenced to twenty years' imprisonment

for attempted murder and a concurrent fifteen years for possession of a firearm by a convicted felon, with 1,994 days of jail credit. He subsequently appealed the denial of his motion for discharge.

On appeal, the majority in *Robinson* reversed the trial court's denial, with each judge writing separately. 430 So. 3d at 184. The panel divided on how to apply the four-factor test in *Melton v. State*, 75 So. 2d 291 (Fla. 1954), used to determine the date of Robinson's arrest on the Duval County warrant. *Robinson*, 430 So. 3d at 188-91 (Edwards, C.J., concurring) (finding that all four *Melton* factors were present); *id.* at 203-04 (Makar, J., concurring in part and in result) (same); *id.* at 195-98 (Boatwright, J., dissenting in part, concurring in part) (finding that neither the first nor third factor was present). All three judges agreed, however, that if an arrest occurred under *Melton* for the Duval County charges on November 2, 2015, the speedy trial period would have expired before the State filed those charges on April 29, 2017, thereby entitling Robinson to automatic discharge under *Williams*. *Id.* at 184. The judges nevertheless questioned whether *Williams* was correctly decided, noting that it departs from the text of rule 3.191 and effectively creates a judicial statute of limitations. *Id.* They therefore

concurred in certifying the following question of great public importance:

> Whether the holding in *State v. Williams*, 791 So. 2d 1088, 1091 (Fla. 2001), should be modified to clarify that Florida Rule of Criminal Procedure 3.191 does not establish substantive rights including the right to automatic discharge after expiration of the rule's prescribed time period?

Id. Based on the certified question, we accepted jurisdiction.

II.

Because the Fifth District's certified question presents us with a pure legal issue, our standard of review is de novo. *See City of Tallahassee v. Fla. Police Benevolent Ass'n*, 375 So. 3d 178, 183 (Fla. 2023). In undertaking this review, we first examine the development of Florida's speedy trial rule and then consider our decision in *Williams* against that backdrop.

Under both the Florida and federal constitutions, a criminal defendant has the right to "a speedy and public trial." U.S. Const. amend. VI; art. I, § 16(a), Fla. Const. The United States Supreme Court has explained that this right "is designed to minimize the possibility of lengthy incarceration prior to trial, to reduce the lesser, but nevertheless substantial, impairment of liberty imposed

on an accused while released on bail, and to shorten the disruption of life caused by arrest and the presence of unresolved criminal charges." *United States v. MacDonald*, 456 U.S. 1, 8 (1982). To establish a speedy trial violation, the Supreme Court adopted a flexible balancing test, rather than fixed time limits, under which courts must consider four factors: "[l]ength of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant." *Barker v. Wingo*, 407 U.S. 514, 530 (1972). Accordingly, there is "no constitutional basis for holding that the [federal] speedy trial right can be quantified into a specified number of days or months." *Id.* at 523.

Decades ago, however, the Florida Legislature afforded defendants protections greater than those guaranteed by the federal constitution, providing for permanent discharge when a defendant was not brought to trial within three terms of court. § 915.01(2), Fla. Stat. (Supp. 1970). In 1971, the Legislature repealed that provision and amended section 918.015, Florida Statutes, *see* ch. 71-1(B), Laws of Fla., which codified the constitutional right to a speedy trial, § 918.015(1), and directed our Court to, "by rule . . ., provide procedures through which the right . . . shall be realized," §

918.015(2). Though not required, in response, we adopted rule 3.191.

Prior to the recent amendments, rule 3.191 required that a defendant be brought to trial within 90 days of arrest for a misdemeanor and within 175 days of arrest for a felony. Fla. R. Crim. P. 3.191(a), *as amended in In re Amends to Fla. Rules of Civ. Proc.*, 346 So. 3d 1105 (Fla. 2022). If those time periods expired, the defendant could file a "Notice of Expiration of Speedy Trial Time." *Id.* 3.191(p)(2). The trial court was then required to hold a hearing within five days of the filing and, absent an exception set forth in subdivision (j), to order that the defendant be brought to trial within ten days. *Id.* 3.191(p)(3). If the defendant was not brought to trial within that ten-day recapture period, they would "be forever discharged from the crime." *Id.*

Initially, "when the rule was promulgated in 1971, the State was *not* afforded the benefit of a recapture period." *State v. Nelson*, 26 So. 3d 570, 575 (Fla. 2010). Instead, "[i]f the default period expired, the defendant was generally entitled to automatic discharge upon motion." *Id.* (citing *In re Fla. Rules of Crim. Proc.*, 245 So. 2d 33, 36 (Fla. 1971)). In 1984, however, our Court amended rule

3.191 by eliminating the remedy of automatic discharge and adding the recapture provision. *Id.*; *see also Fla. Bar re Amend. to Rules-Crim. Proc.*, 462 So. 2d 386, 387 (Fla. 1984).

Despite that change, our construction of the pre-2025 version of rule 3.191(*o*)[2]—as reflected in a trilogy of cases beginning with *State v. Agee*, 622 So. 2d 473 (Fla. 1993), and *Genden v. Fuller*, 648 So. 2d 1183 (Fla. 1994), and culminating in *Williams*—reintroduced automatic discharge in limited circumstances where the State either entered a nolle prosequi, filed a "no action," or filed no charges at all and subsequently attempted to file or refile charges based on the same conduct after the speedy trial period had run. *See, e.g.*, *Williams*, 791 So. 2d at 1091 (holding that when the State "does not act until after the expiration of [the] speedy trial period," it "may not file charges based on the same conduct after [that] period has

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2. Fla. R. Crim. P. 3.191(*o*), *as amended in In re Amends. to Fla. Rules of Civ. Proc.*, 346 So. 3d 1105 ("The intent and effect of this Rule shall not be avoided by the state by entering a nolle prosequi to a crime charged and by prosecuting a new crime grounded on the same conduct or criminal episode or otherwise by prosecuting new and different charges based on the same conduct or criminal episode, whether or not the pending charge is suspended, continued, or is the subject of entry of a nolle prosequi.").

expired"). Simply put, *Williams* required automatic discharge when the State failed to file charges within the prescribed speedy trial period, without affording the State any opportunity for recapture.

From its inception, *Williams*'s grant of an automatic discharge, lacking any recapture period, drew criticism for creating a "substantive right" that "has no basis in the original language of the rule itself or in Florida's statutes and is not mandated by the State or Federal Constitutions." *Bulgin v. State*, 912 So. 2d 307, 314 (Fla. 2005) (Wells, J., dissenting). And so after more than two decades of perpetuating that error, we finally amended rule 3.191 to clarify that "the recapture period is mandatory in ***all*** situations by deleting subdivision (*o*)." *In re Amends. to Fla. Rule of Crim. Proc. 3.191*, 411 So. 3d at 386 (emphasis added). These rule amendments effectively rejected *Williams*'s interpretation of rule 3.191.

Although our recent amendments to rule 3.191 corrected much of *Williams*'s error prospectively, we now also take this opportunity to answer the Fifth District's certified question and *fully* correct the error propagated by *Williams*.[3]

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3. Importantly, at the time *Williams* was decided, rule 3.191 did *not* require that the State file charges within the speedy trial

Williams cannot be reconciled with the text of the pre-2025 version of rule 3.191. Under that iteration of the rule's plain language, the State wouldn't have forfeited the recapture period, and the defendant wouldn't have been entitled to automatic discharge merely because charges weren't filed until after the speedy trial period expired.

Rather, discharge became available *only* after the defendant filed a notice of expiration, thereby triggering a mandatory hearing at which the trial court must conduct the subdivision (j) inquiry; and, absent an exception, the State was afforded an opportunity for recapture. *See* Fla. R. Crim. P. 3.191(p)(3), *as amended in In re*

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period or forfeit its opportunity for recapture, resulting in automatic discharge. Instead, the rule's plain language provided that "[i]f trial is not commenced within these times periods," the remedy is *not* automatic discharge but rather the procedure "set forth in subdivision (p)." Fla. R. Crim. P. 3.191(a), *as amended in In re Amends. to Fla. Rules of Civ. Proc.*, 346 So. 3d 1105. Subdivision (p), in turn, expressly stated that "*[n]o remedy*"—including discharge—"shall be granted to any defendant under this rule *until* the court has made the required inquiry under subdivision (j)." *Id.* 3.191(p)(1) (emphasis added). Thus, subdivision (p)(1) made the subdivision (j) inquiry a prerequisite to discharge, and that inquiry was triggered only upon the defendant's filing of a notice of expiration. *See id.* 3.191(p)(3) (requiring a hearing on the subdivision (j) inquiry "[n]o later than 5 days from the date of the filing of a notice of expiration").

Amends. to Fla. Rules of Civ. Proc., 346 So. 3d 1105 (providing that "unless the court finds that one of the reasons set forth in subdivision (j) exists, [it] *shall* order that the defendant be brought to trial within 10 days" (emphasis added)).

The rule further provided that even when charges were filed after the speedy trial period had expired, the State was afforded a recapture period because subdivision (p)(3) authorized discharge only if the "defendant [was] not brought to trial within the 10-day period through no fault of the defendant, on motion of the defendant or the court." *Id.* 3.191(p)(3). In other words, the rule expressly conditioned discharge on the State's failure to bring the defendant to trial within the recapture period—not on its failure to file charges before the speedy trial period expired. By permitting automatic discharge without first affording the State the recapture period mandated by rule 3.191, *Williams* effectively bypassed the procedural prerequisites the rule expressly made a condition to that remedy.

We now conclude that *Williams* is clearly erroneous. *See State v. Poole*, 297 So. 3d 487, 506 (Fla. 2020). Not only did it fail to adhere to the text of the rule, it created the equivalent of a

substantive right without any basis in statute or the state or federal constitutions. Rule 3.191 was designed as a procedural mechanism to safeguard the constitutional right to a speedy trial by "act[ing] as a stimulus to prosecutors to bring defendants to trial as soon as practicable, thus minimizing the hardships placed upon accused persons awaiting trial." *Lewis v. State*, 357 So. 2d 725, 727 (Fla. 1978); *see also MacDonald*, 456 U.S. at 8 (explaining that the Sixth Amendment's speedy trial right was "not primarily intended to prevent prejudice to the defense caused by passage of time"). Because the state and federal constitutions guarantee "a right to speedy *trial*, not a right to speedy *discharge* without trial," *Nelson*, 26 So. 3d at 576 (emphasis added), and section 918.015(2) merely ensures that right "shall be realized," *Williams* is clearly erroneous insofar as it recognized a right to discharge based *solely* on the State's failure to file charges within the rule's procedural deadlines.

Having concluded that *Williams* is clearly erroneous, we must next consider whether any valid reasons exist to retain that precedent, with the secondary inquiry being reliance. *See State v. Maisonet-Maldonado*, 308 So. 3d 63, 69 (Fla. 2020). "In evaluating reliance interests, courts consider 'legitimate expectations of those

who have reasonably relied on the precedent.' " *Id.* (quoting *Ramos v. Louisiana*, 590 U.S. 83, 122 (2020) (Kavanaugh, J., concurring in part)). "[R]eliance interests are lowest in cases involving procedural and evidentiary rules," *id.* (quoting *Poole*, 297 So. 3d at 507) (citation modified), that do not "serve as a guide to lawful behavior," *Knight v. State*, 286 So. 3d 147, 154 (Fla. 2019) (quoting *United States v. Gaudin*, 515 U.S. 506, 521 (1995)).

At its core, *Williams* interpreted a rule of procedure. In our view, defendants like Robinson are not likely to have substantially altered their conduct in reliance on *Williams*, which regulates the State's conduct rather than that of defendants. Robinson does not argue otherwise. We discern no significant reliance interests that weigh in favor of retaining *Williams*.

For these reasons, we now recede from *Williams* and hold that the State is entitled to the recapture period after notice—even when charges are not filed until after the speedy trial period has expired—and that defendants therefore may not obtain automatic discharge in such circumstances.

Assuming that the majority of the Fifth District correctly determined that the 175-day period had expired before Robinson

was formally charged in Duval County, Robinson nevertheless failed to file a notice of expiration. And, by not filing a notice of expiration, he failed to comply with rule 3.191's procedural requirements that would have entitled him to discharge. Further, although charges were not filed until after the speedy trial period had run, the text of rule 3.191 still provides that the State was entitled to the ten-day recapture period. Accordingly, the denial of Robinson's motion for discharge should be affirmed because the State's failure to file charges within the speedy trial period did not entitle Robinson to automatic discharge of the attempted-murder charge.

Based on the reasoning above, and consistent with our recent amendments to rule 3.191, we answer the certified question in the affirmative and recede from *Williams*. Because the State was entitled to the recapture period, we quash the Fifth District's decision in *Robinson* and remand with instructions to reinstate Robinson's convictions and sentences for attempted murder and possession of a firearm by a convicted felon.

It is so ordered.

COURIEL, C.J., and MUÑIZ, GROSSHANS, BARRIOS, and TANENBAUM, JJ., concur.
LABARGA, J., concurs in result with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

LABARGA, J., concurring in result.

I agree that Robinson was not entitled to an automatic discharge due to the State's failure to bring charges against him before the expiration of speedy trial. Even under the version of Florida Rule of Criminal Procedure 3.191 that existed before the 2025 amendments, Robinson's recourse was to file a notice of expiration of speedy trial time which would—barring certain findings by the trial court at a mandatory hearing on the notice—trigger the recapture period.

However, I continue to adhere to my dissenting opinion in *In re Amendments to Florida Rule of Criminal Procedure 3.191*, 411 So. 3d 385, 387 (Fla. 2025), which "further relax[ed] the speedy trial rule applicable to criminal cases in Florida's state courts." There, I dissented to (1) the amendment of the 10-day recapture period to a 30-day recapture period, and (2) the amendment providing that even where discharge occurs, any discharge is without prejudice

unless the defendant's constitutional speedy trial right has been violated.

Application for Review of the Decision of the District Court of Appeal
Certified Great Public Importance

Fifth District - Case No. 5D2023-0330

(Duval County)

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