

Third District Court of Appeal

State of Florida

Opinion filed September 16, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D26-0329
Lower Tribunal No. F93-14423

Ananias Westbrook,
Petitioner,

vs.

State of Florida,
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Ananias Westbrook, in proper person.

James Uthmeier, Attorney General, and Yolande Marva Samerson,
Assistant Attorney General, for respondent.

Before LINDSEY, MILLER, and BOKOR, JJ.

MILLER, J.

Petitioner, Ananias Westbrook, an incarcerated prisoner, has filed a petition for writ of habeas corpus contending that newly discovered evidence entitles him to relief from his thirty-year-old judgment and sentence for armed robbery. Westbrook asserts that in early 2022, he received an interoffice memorandum authored by the then-assigned assistant state attorney reflecting a favorable plea offer. He further claims that he would have accepted the offer rather than proceed to trial had he been made aware of the proposed terms. Notwithstanding the fact that Westbrook ostensibly seeks to bypass the trial court's order barring him from further pro se filings¹ and an order of this court instructing the clerk to refuse to accept any appeals, pleadings, motions, or petitions relating to his lower court case number,² and habeas is not a proper vehicle for a claim that should have been raised in a postconviction motion, the allegations in the four corners of the petition are fatal to any entitlement to relief. Westbrook alleges he only learned of the offer "when he received the State Attorney's case file containing said 'Interoffice Memorandum,' and that . . . if he had been properly informed, he would have accepted the plea and would not have gone to trial." That dispositive event occurred in 2022, over four-and-a-half

¹ See State v. Spencer, 751 So. 2d 47, 48–49 (Fla. 1999).

² Westbrook v. State, 357 So. 3d 745 (Fla. 3d DCA 2023).

years ago. Under these circumstances, Westbrook has failed to demonstrate he exercised the requisite due diligence. Fla. R. Crim. P. 3.850(b)(1) (a motion to vacate a sentence based upon facts which were “unknown to the movant or the movant’s attorney and could not have been ascertained by the exercise of due diligence” must be “made within 2 years of the time the new facts were or could have been discovered with the exercise of due diligence”); see also Suggs v. State, 421 So. 3d 410, 418 (Fla. 2025) (“Suggs could have obtained [the allegedly new information] nearly twenty years earlier. Suggs fails to justify the delay and, thus, fails to demonstrate why the [applicable time limit] does not preclude the relief he seeks.” (citation omitted)); Sparre v. State, 391 So. 3d 404, 406 (Fla. 2024) (“[The basis for Sparre’s claim] has been available since it was filed in 2012. . . . Sparre has offered no coherent explanation, either here or below, why trial counsel or postconviction counsel could not have discovered the alleged deficiencies years earlier with the exercise of due diligence.”). Accordingly, we deny the petition. In so doing, we caution Westbrook that he is barred from initiating original proceedings relating to case number F93-14423, unless the petition has been reviewed and signed by an attorney who is a duly licensed member of the Florida Bar in good standing. See Westbrook, 357 So. 3d at 746.

Petition denied.