

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ALAN CALVON BEDWARD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2024-0072

[September 23, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jeffrey Dana Gillen, Judge; L.T. Case No. 50-2022-CF-005041-AXXX-MB.

Daniel Eisinger, Public Defender, and Virginia Murphy, Assistant Public Defender, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Pablo Tapia, Assistant Attorney General, West Palm Beach, for appellee.

ON REMAND FROM THE FLORIDA SUPREME COURT

CONNER, J.

Defendant raised four issues on appeal from his aggravated battery with a deadly weapon conviction. We previously affirmed on all four issues without discussion. *Bedward v. State*, 403 So. 3d 236 (Fla. 4th DCA 2025). On the first issue, we affirmed the circuit court’s prohibiting Defendant from testifying about his post-traumatic stress disorder (“PTSD”) to support his self-defense claim, citing *Oquendo v. State*, 357 So. 3d 214 (Fla. 2d DCA 2023) (“*Oquendo I*”). *Oquendo I* had held PTSD evidence is categorically irrelevant to a self-defense claim.

Our supreme court later disapproved of that holding, and instead held that PTSD evidence “may be relevant to the subjective component of a defendant’s self-defense theory.” *Oquendo v. State*, 420 So. 3d 466, 469 (Fla. 2025) (“*Oquendo II*”). In turn, the Florida Supreme Court quashed our opinion in the instant case and remanded it for our reconsideration in light of *Oquendo II*.

We have completed our reconsideration and maintain our affirmance of the defendant's conviction. This opinion explains our reasoning with respect to the PTSD issue.

The morning before jury selection, the State provided the defense with a redacted copy of Defendant's recorded statement regarding the incident being tried. The State had redacted Defendant's statements describing the victim's prior violent acts, as well as Defendant's discussion of his PTSD resulting from an unrelated prior stabbing in which he was the victim. Defendant argued below that even with the redactions, he should be permitted to testify about his PTSD to support his self-defense claim.

The State responded by agreeing that Defendant should be allowed to testify that he had PTSD, but not that PTSD contributed to his reaction to the incident being tried. The State argued that the connection between the prior stabbing incident, Defendant's resulting PTSD, and the incident being tried, would need to be shown through expert testimony.

The trial court found Defendant's PTSD was relevant but questioned whether Defendant would be able to prove his PTSD through his testimony alone without expert testimony. Defendant argued he should be permitted to testify that he was diagnosed with PTSD, and the jury would decide the weight to give his PTSD in support of his self-defense claim. In other words, Defendant argued his PTSD diagnosis went to the weight of the evidence, not its admissibility. Defendant cited *State v. Mizell*, 773 So. 2d 618 (Fla 1st DCA 2000), for the proposition that such evidence was admissible, but noted a split among the district courts, and drew the trial court's attention to *Oquendo I*.

Initially, the trial court ruled Defendant would be permitted to testify he had PTSD but would not be permitted to testify that the PTSD arose from the previous stabbing incident. The trial court ruled that connecting the PTSD diagnosis to the stabbing incident required expert testimony.

However, after the State rested its case, the trial court revisited its prior ruling and stated that after considering the caselaw further, PTSD evidence was categorically irrelevant to self-defense claims, citing *Oquendo I*. Because Defendant was not permitted to testify he had PTSD, he declined to testify.

As stated above, Defendant argues on appeal the trial court erred in prohibiting Defendant from testifying about his PTSD in support of his self-defense claim.

As also stated above, the First and Second Districts disagreed whether PTSD evidence can be relevant to a self-defense claim to support a defendant's subjective fear that the use of deadly force was necessary. *Mizell*, 773 So. 2d at 621; *Oquendo I*, 357 So. 3d at 219-20. Our supreme court resolved the conflict in *Oquendo II*, holding PTSD evidence "may be relevant to the subjective component of a defendant's self-defense theory." *Oquendo II*, 420 So. 3d at 469.

However, our supreme court made clear that PTSD evidence could not be used to support an otherwise inadmissible claim of diminished capacity. *Id.* at 477. Importantly, the Florida Supreme Court specifically commented that the trial court could prevent the risk of PTSD evidence being used improperly by giving a limiting jury instruction, and then they pointed out three of the five conditions which the trial court had imposed in *Mizell* for the admission of PTSD evidence in that case:

The trial court in *Mizell*, for example, set forth in its pretrial order five specific conditions that had to be met in order for the defense to introduce the PTSD evidence, including the defendant himself testifying and laying a predicate, the expert witness being allowed only to lay out the defendant's background but not vouch for it, and the expert witness being prohibited from offering an opinion on the validity of the defendant's self-defense claim.

Id. at 477-78.

In the instant case, the trial court properly concluded that Defendant's testimony that he had been diagnosed with PTSD prior to the incident being tried was inadmissible without expert testimony. From the discussions at trial, the record makes clear that Defendant had no intention of calling an expert to testify at trial. Thus, applying the legal principles announced by the supreme court in *Oquendo II*, especially the three *Mizell* factors cited by the court to avoid PTSD evidence being used as diminished capacity evidence, the trial court here properly denied Defendant's request to testify he was diagnosed with PTSD.

We also agree with the State's argument on appeal that Defendant did not have a valid self-defense claim, because the evidence showed Defendant was the aggressor. Defendant confessed that he "lost [his] composure" and "put a beating on [the victim]." We agree with the State's argument on supplemental briefing after remand that the evidence established Defendant had beaten the victim for revenge and to let the victim know to never try to attack Defendant in the future, rather than to

protect himself out of fear of harm by the victim during the incident as charged.

We further agree with the State's supplemental briefing argument that it had proven Defendant was not entitled to self-defense because Defendant had a duty to retreat as soon as the victim told Defendant to leave the victim's apartment. *Cf.* § 776.012(2), Fla. Stat. (2022) ("A person who uses or threatens to use deadly force . . . does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be."). Thus, the PTSD evidence could not have supported Defendant's self-defense theory.

In sum, we maintain our affirmance of the three remaining issues on appeal without discussion. As to the issue concerning the denial of evidence of Defendant's PTSD diagnosis, we affirm after completing our reconsideration in light of our supreme court's opinion in *Oquendo II*.

Affirmed.

GERBER, C.J., and FORST, J., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.