DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

HERMAN LINDSEY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-3395

[October 21, 2026]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Barbara R. Duffy, Judge; L.T. Case No. 062006CF004260A88810.

H. Dohn Williams Jr., Fort Lauderdale, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Lindsay A. Warner, Senior Assistant Attorney General, West Palm Beach, for appellee.

ON CONFESSION OF ERROR

SHAW, J.

Herman Lindsey ("Lindsey") appeals from the circuit court's denial of his petition to determine wrongful incarceration and eligibility for compensation pursuant to section 961.03, Florida Statutes (2025).

In 2006, Lindsey was charged with first-degree murder and armed robbery with a deadly weapon, arising from the robbery of a pawn shop that had occurred twelve years earlier. Lindsey subsequently was convicted at trial and sentenced to death.

Three years later, in 2009, the Florida Supreme Court reversed Lindsey's conviction and directed that a judgment of acquittal be entered, finding that the evidence presented at trial was legally insufficient to support the convictions. *Lindsey v. State*, 14 So. 3d 211, 212–16 (Fla. 2009).

When the judgment of acquittal was entered in 2009, Lindsey was ineligible to seek compensation for the period he had spent incarcerated. However, on July 1, 2025, sixteen years after the judgment of acquittal was entered, the Legislature amended sections 961.03 and 961.04, Florida Statutes. The newly amended text enables wrongfully convicted persons to seek compensation.

Three weeks later, Lindsey filed his petition for relief under the revised statutory framework. The State responded that the petition must be denied because it was not under oath, was untimely because it was filed more than 90 days after Lindsey's conviction had been vacated, failed to indicate verifiable and substantial evidence of actual innocence, and did not state with particularity the nature and significance of that evidence.

Shortly thereafter, Lindsey filed an amended petition under oath and provided additional evidence of innocence. Furthermore, he asserted his petition was not untimely based on the amendments to sections 961.03 and 961.04, Florida Statutes (2025), which explicitly had granted a grace period allowing persons (like Lindsey)—who were not previously eligible to file a petition—to do so by July 1, 2027.

However, the circuit court denied the petition, relying upon the same arguments contained in the State's response to Lindsey's earlier petition (and apparently ignoring the amended petition, which was properly sworn).

Lindsey appealed. The State concedes that the circuit court erred by not following section 961.03's procedures. We have reviewed the matter, and we accept the State's confession of error on this issue.

Additionally, Lindsey asks us to expand the definition of "wrongfully incarcerated person." But because "we are reversing on one issue," we need "not reach th[is] other issue[] on appeal." *Searles v. State*, 750 So. 2d 667, 668 (Fla. 2d DCA 1999); *see also Scudder v. Greenbrier C. Condo. Ass'n, Inc.*, 566 So. 2d 359, 361 (Fla. 4th DCA 1990) (noting that because "we have no alternative but to reverse and remand for further proceedings," any "other issues raised here . . . have been rendered moot by our decision to reverse").

Accordingly, we reverse the denial of the petition to determine wrongful incarceration and eligibility for compensation pursuant to section 961.03, Florida Statutes (2025), and remand for the circuit court to follow section 961.03's procedures.

Reversed and remanded with instructions.

FORST and SHEPHERD, JJ., concur.

* * *

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