

APDC/UD/XA

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D2022-3938

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NUKARRI WILLIAMS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Leon County.  
Stephen S. Everett, Judge.

February 22, 2024

PER CURIAM.

AFFIRMED.

OSTERHAUS, C.J., and ROBERTS and M.K. THOMAS, JJ., concur.

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*Not final until disposition of any timely and  
authorized motion under Fla. R. App. P. 9.330 or  
9.331.*

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Daniel W. Ripley of Ripley Whisenhunt, PLLC, Pinellas Park, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.

**DISTRICT COURT OF APPEAL, FIRST DISTRICT**  
**2000 Drayton Drive,**  
**Tallahassee, Florida 32399-0950**  
**Telephone No. (850) 488-6151**

March 22, 2024

Nukarri Williams,  
Appellant(s)

**Case 1D2022-3938**  
L.T. No.: 2003-CF-972

v.

State of Florida,  
Appellee(s).

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**BY ORDER OF THE COURT:**

The Court denies the motion for rehearing and written opinion docketed February 26, 2024.

**I HEREBY CERTIFY** that the foregoing is a true copy of the original court order.

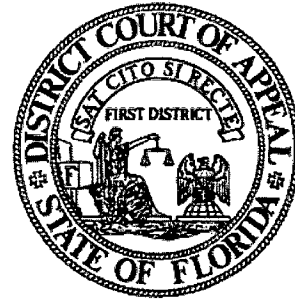
Served:  
Criminal Appeals TLH Attorney General  
Hon. Stephen S. Everett  
Julian E Markham  
Hon. Ashley Moody  
Daniel Ripley

TH

~~1D2022-3938~~ March 22, 2024

Kristina Samuels, Clerk

1D2022-3938 March 22, 2024



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 2003 CF 972A

vs.

NUKARRI WILLIAMS,  
Defendant.

**ORDER DISMISSING SUCCESSIVE MOTION FOR POSTCONVICTION RELIEF**

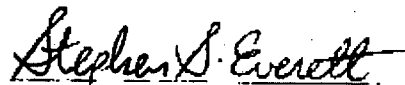
THIS CAUSE came before the Court upon Defendant's "Successive Motion for Postconviction Relief," filed on November 2, 2022. The Court having considered the Motion, having reviewed the record, and being otherwise fully advised hereby finds as follows:

The instant Motion for Postconviction Relief is both untimely and successive. As such, it is procedurally barred. Fla. R. Crim. P. 3.850(b), (h)(2). To escape the procedural restrictions, Defendant alleges denial of his Motion would result in a manifest injustice. However, "[i]ncanting the words 'manifest injustice' does not excuse the procedural bars." *McClellion v. State*, 186 So. 3d 1129, 1132 (Fla. 4th DCA 2016); *see also Cuffy v. State*, 190 So. 3d 86, 87 (Fla. 4d DCA 2015) ("[R]ule 3.850 contains no 'manifest injustice' exception to the rule's time limitation or bar against filing successive postconviction motions."). The Court concludes the denial of Defendant's Motion would not result in a manifest injustice despite his incantation otherwise. This is particularly true where the Motion raises a similar ground from Defendant's first Motion for Postconviction Relief, which was denied by prior order, said order was affirmed on appeal nearly fifteen years ago (1D08-4119), *Attachs. A & B* (attachments omitted), and for which Defendant moved for rehearing on the same basis that Defendant now claims entitles him to an evidentiary hearing: that the Court did not conclusively refute the claim that trial counsel rendered misadvice as to Defendant's right to testify. *Defendant's Motion* at 94-96. Yet this, too, was denied and said denial was affirmed in the same appeal (1D18-4119).

It is therefore,

**ORDERED AND ADJUDGED** that Defendant's Successive Motion for Postconviction Relief is hereby **DISMISSED WITH PREJUDICE**. Defendant has **30 days from the date this Order is rendered** in which to file a notice of appeal.

**DONE AND ORDERED** in Chambers in Tallahassee, Leon County, Florida this 3rd day of November 2022.

  
STEPHEN EVERETT  
CIRCUIT JUDGE

**Additional material  
from this filing is  
available in the  
Clerk's Office.**