

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT**

525 Mirror Lake Drive N., St. Petersburg FL 33701

January 7, 2026

MORGAN ALLEN ARMSTRONG,  
APPELLANT(S)  
V.

CASE NO.: 2D2025-2493  
L.T. No.: 10-CF-887, 10-CF-888

STATE OF FLORIDA,  
APPELLEE(S).

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**BY ORDER OF THE COURT:**

Appellant's motion to certify is denied.

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

*Mary Elizabeth Kuenzel*  
Mary Elizabeth Kuenzel, Clerk  
2D2025-2493 1/7/26



DC

Served:  
MORGAN ALLEN ARMSTRONG  
CRIM APP TAMPA ATTORNEY GENERAL  
PASCO CLERK

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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MORGAN ALLEN ARMSTRONG,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D2025-2493

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December 19, 2025

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Pasco County; Joshua Riba, Judge.

PER CURIAM.

Affirmed.

KELLY, BLACK, and SLEET, JJ., Concur.

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Opinion subject to revision prior to official publication.

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT**

1700 N. Tampa Street, Suite 300, Tampa FL 33602

June 20, 2025

MORGAN ALLEN ARMSTRONG,  
APPELLANT(S)

CASE NO.: 2D2024-1270  
L.T. No.: 10-CF-887, 10-CF-888

V.

STATE OF FLORIDA,  
APPELLEE(S).

---

**BY ORDER OF THE COURT:**

Appellant's motion to recall mandate is denied.

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

*Mary Elizabeth Kuenzel*  
Mary Elizabeth Kuenzel, Clerk  
2D2024-1270 6/20/25



DC

Served:  
MORGAN ALLEN ARMSTRONG  
CRIM APP TAMPA ATTORNEY GENERAL  
DAVID CAMPBELL  
PASCO CLERK

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY  
CRIMINAL DIVISION

STATE OF FLORIDA,

UCN: 512010CF000887CFAXWS  
512010CF000888CFAXWS

v.

DIVISION: 4

MORGAN ARMSTRONG,  
SPN: 00187600, Defendant. \_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S MOTION FOR REHEARING**

THIS CAUSE came before the Court upon review of Defendant's "Motion for Rehearing," filed *pro se* on 11 September 2025. The Court, having reviewed the motion, the record, and applicable law, finds as follows:

In the instant motion, Defendant requests this Court grant rehearing on his "Writ of Habeas Corpus," filed 28 July 2025, and which this Court dismissed in an order issued on 22 August 2025. "Any party may file a motion for rehearing of any order addressing a motion under this rule within 15 days of the date of service of the order."<sup>1</sup> The certificate of service on the 22 August 2025 order is dated 25 August 2025, providing Defendant until 9 September 2025 to timely file his motion. Pursuant to the "mailbox rule," a document is "deemed filed at the moment in time when the inmate loses control over the document by entrusting its further delivery or processing to agents of the State."<sup>2</sup> According to the stamp on Defendant's motion, it was provided to correctional officers on 5 September 2025. Therefore, Defendant's motion is timely.

However, the arguments raised in Defendant's motion for rehearing were considered in the Court's prior order or raise new claims not included in Defendant's original motion.<sup>3</sup> After considering the instant motion, the Court will not grant rehearing.

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<sup>1</sup> See Fla. R. Crim. P. 3.850(j).

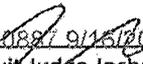
<sup>2</sup> See *Haag v. State*, 591 So. 2d 614, 617 (Fla. 1992).

<sup>3</sup> See *Williams v. State*, 964 So. 2d 765, 766 (Fla. 2d DCA 2007) (affirming the denial of a motion for rehearing that raised new grounds).

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Defendant's motion for rehearing is **DENIED**.

**DEFENDANT IS NOTIFIED** that this is a final order, and he has thirty days from the date of this Order in which to file an appeal, should he choose to do so.

**DONE AND ORDERED** in Chambers in New Port Richey, Pasco County, Florida, this 16<sup>th</sup> day of September, 2025. A true and correct copy of this Order has been furnished to the parties listed below.

  
~~2010-CF-000887 9/16/2025 6:27:37 AM~~  
Circuit Judge Joshua Riba  
2010-CF-000887 9/16/2025 6:27:37 AM

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**Joshua Riba, Circuit Judge**

cc: Office of the State Attorney; Staff Attorney

MORGAN ARMSTRONG, R09246  
Florida State Prison  
P.O. Box 800  
Raiford FL, 32083

IN THE CIRCUIT COURT IN AND FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY FLORIDA

STATE OF FLORIDA

v.

CASE NO: 10-00887CFAWS

MORGAN ARMSTRONG,  
SPN: 00187600  
\_\_\_\_\_ /

**ORDER ON ADMISSION OF WILLIAMS RULE EVIDENCE**

THIS CAUSE came on to be heard pursuant to the state's Notice of Intent to Use Williams Rule Evidence and the court having set the matter for hearing, having considered the arguments of counsel and the case law presented finds as follows:

*Similar Fact /Relevant Evidence*

The defendant in this cause is charged with Armed Robbery. The state seeks to offer as similar fact evidence another robbery alleged to have been committed by the defendant. The defendant objected to the introduction of the similar fact evidence and an evidentiary hearing was held on Friday, September 2<sup>nd</sup>, 2011. The defendant in this cause has chosen to represent himself. This court has conducted a *Faretta* inquiry of the defendant however the defendant is resolute that he intends to proceed *pro se*. The court has provided the defendant with a copy of the *Florida Rules of Court* which includes the *Florida Rules of Criminal Procedure*. The court has assigned seasoned conflict counsel Mr. Jeffrey Cox to act as standby counsel and Mr. Cox was present at the instant evidentiary hearing.

FILED FOR RECORD  
PASCO COUNTY FLORIDA  
2011 SEP 12 AM 10:19  
J. O'SHEA  
Clerk & Comptroller  
Pasco County, Florida

*Testimony Presented*

The state called as its first witness Ms. Meena Patel. She testified that she works at the Beverage Plus convenience store located at State Road 52 and Little Road. The interior of the store is approximately 1000 square feet. Ms. Patel testified that on October 11<sup>th</sup>, 2009 she was working at the store. In the evening hours, at approximately five (5) o'clock p.m. while it was still light out, a man came into the store to commit robbery. She was sitting at a desk within the store. She observed the miscreant enter at the door wearing some sort of white cloth over his nose and mouth and tied behind his head over his ears. She observed that the robber walked at a hurried pace. He carried a large knife with a wooden handle. She described the knife as being the length of her forearm. The robber ordered her to "stand up and give me the money." The robber placed the money in a plastic bag and as he exited the store he told her to lie down. She complied. Ms. Patel testified that the person who robbed the store had short hair and she recognized him because he had been a customer in the store hundreds of times in the past. She described an incident wherein he once misplaced a ten dollar bill and he asked her to remove the grate at the bottom of a cooler. She testified that she has heard his voice many times and has seen his face many times and she is certain that the person who committed the robbery of her store was the defendant.

Falguni Patel was called to testify. Falguni Patel is not fluent in English. Her testimony was at times challenging to grasp. The state advised the court that for months it has attempted to find a certified interpreter who speaks her dialect but they have been unsuccessful. Concepts had to be repeated and reworded to make certain

she understood the questions she was being asked. In the end the court is satisfied that she did answer the questions she understood and did not answer matters she did not understand.

Falguni Patel testified that she was working at the Beverage Plus store on October 17<sup>th</sup>, 2009. It was in the evening hours. It was still light out though it was approaching dusk. She was sitting at the desk in the store when the robber came in. He was wearing a white mask that she described as being strips of tape that was tied around the defendant's head. She states that the defendant spoke and told her to "give me your money." She observed the defendant had a big knife with a wood handle. She described the knife as being as long as her forearm. She states that the defendant walked fast as he entered the store. The miscreant produced a plastic bag and ordered her to place the money into it. She complied. She states that she eventually passed out and by the time she came to she was at the hospital. Ms. Falguni Patel testified that even though the robber covered his face she recognized him. She states that he had been her customer in the store on many occasions buying lottery scratch off tickets and cigarettes.

The state seeks to introduce in the trial of the October 11, 2009 robbery the events of the October 17<sup>th</sup>, 2009. The state argues it seeks to offer the evidence to establish identity. The state argues the relevant similar signature evidence lies in the following facts testified to at hearing:

1. Both witnesses testified that they worked at the same store at State Road 52 and Little Road in Pasco County.
2. Both robberies took place approximately one week apart.

3. Both witnesses testified that the robbery took place in the evening hours while it was still light out.
4. Both witnesses testified they were in the same place in the store when the defendant entered.
5. Both witnesses observed the robber to be wearing a white mask that was tied around his head.
6. Both witnesses observed the robber to be carrying a knife with a wood handle.
7. Both witnesses identified the knife as being the length of their forearm.
8. Both witnesses testified that the robber entered the store walking in at a hurried pace.
9. Both witnesses testified that they recognized the defendant as a regular customer who had been in the store many times.
10. Both witnesses testified that the robber demanded money using four words by stating to one "give me the money" and to the other "give me your money."
11. Both witnesses testified that the robber placed the money in a plastic grocery bag.

The state seeks to introduce the similar fact evidence it offers to establish identity. Section 90.404(2) (a), Florida Statutes (2010) provides:

Similar fact evidence of other crimes, wrongs, or acts is admissible when relevant to prove a material fact in issue, including, but not limited to, proof of motive, opportunity, intent, preparation, plan, knowledge, *identity*, or absence of mistake or accident, but it is inadmissible when the evidence is relevant solely to prove bad character or propensity. (emphasis added).

It is a "general canon of evidence that any fact relevant to prove a fact in issue is admissible into evidence unless its admissibility is precluded by some specific rule of exclusion. . . . Evidence of other crimes or bad acts are admissible if relevant, i.e., if it is probative of a material issue other than the bad character of the accused." *LaMarca v.*

*State*, 785 So.2d 1209, 1212 (Fla. 2001) (citations omitted). See also, *Hunter v. State*, 660 So.2d 244, 251 (Fla.1995); *Ashley v. State*, 265 So.2d 685, 693-94 (Fla.1972).

However, "[r]elevant evidence is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence." § 90.403, Fla. Stat. (2008). "The evidence does not have to be *necessary* to the state's case; merely relevant. So long as it is relevant for *any* purpose of fact, the fact that it is prejudicial does not make it inadmissible." *Cardona v. State*, 835 So.2d 297, 299 (Fla. 5 DCA 2002) (emphasis in original) (citations omitted). The fact that a particular defendant is identified as having committed a prior crime is insufficient to establish relevance. Ehrhardt, *Florida Evidence*, 216 (2004 ed.). When collateral crime evidence is admitted to establish identity its probative value comes from the fact that the collateral crime has a unique *modus operandi* which is the same as that used in the case at hand meaning that it may be inferred that the same person committed both crimes. *Id.* When the similar fact evidence is coupled with the identification of the defendant as the person who committed the prior crime the similar fact evidence becomes relevant. *Id.*

Before admitting *Williams* rule evidence, it is incumbent upon the trial court to make multiple determinations, including [1] whether the defendant committed the prior crime, [2] whether the prior [or in this case subsequent] crime meets the similarity requirements necessary to be relevant as set forth in our prior case law, [3] whether the prior crime is too remote so as to diminish its relevance, and finally, [4] whether the prejudicial effect of the prior crime substantially outweighs its probative value.

*Robertson v. State*, 829 So.2d 901, 907-908 (Fla. 2002). Considering the "multiple determinations" as dictated in *Robertson*, the court notes the following:

1. *Whether the Defendant Committed the Prior Crime:*

Both of the alleged victims in the cause work at the convenience store. Both identified the defendant as a regular customer. Ms. Meena Patel states that he has come into the store hundreds of times. Ms. Falguni Patel remembers the defendant coming into the store regularly to purchase lottery scratch off tickets and to purchase cigarettes. Each states that they recognized his face and his voice. They also testified that the defendant's low cut hair was consistent with the hair of the person who robbed their store. While this court would have preferred that the state present witness testimony that the defendant was the same height and build as the person who robbed the store on the occasions in question, the court finds that such testimony is implicit in the testimony presented. In order to say that the robber is the customer they had seen in the store on so many past occasions the witnesses are necessarily saying he matched the height, weight and build as the frequent customer. The court finds that for the purpose of the admission of the similar fact evidence, the state has produced sufficient and competent testimony that the defendant is the person who committed both of the charged offenses.

2. *Does the Similar Fact Evidence meet the Similarity Requirement:*

"[T]o be admissible under section 90.404, there must be identifiable points of similarity which pervade the compared factual situations; the similarity must have a special character that points to the defendant; and it must be unique so as to constitute fingerprint type evidence." *Cardona, supra* at 299 (citations omitted). The state has presented at least ten similarities between the charged offenses that collectively establish the uniqueness required. The similarities are listed above. The similarity in

the distinct type of weapon used, the type of mask used, the time of day, the type of bag used to carry the money in addition to the other factors listed establish the necessary "fingerprint" to establish that the same person committed both crimes.

3. *Whether the Prior Crime is too Remote:*

The two offenses occurred little more than one week apart at the same establishment. Remoteness is not an issue.

4. *Prejudicial Effect Outweigh Probative Value:*

Any evidence introduced against a defendant is, by design, prejudicial. The question here is whether the probative value of the evidence to be presented here outweighs the danger of unfair prejudice. *Robertson, surpa* at 908. The court is convinced that the probative value does outweigh the danger of unfair prejudice. The person who committed the crime in this offense wore a mask when he entered and exited the store. The argument can and will likely be made that the defendant did not commit the charged offense or any other. However, both of the victims here are unwavering in their identification of the defendant as the person who committed the crimes because of their prior interaction with him as a customer. Both have heard his voice and have seen him without the mask. The testimony is relevant not only to establish identity but also to prove the absence of mistake. In addition, both of the witnesses in the case struggle with the use of the English language. Meena Patel is more versed in the English language than Falguni Patel. The testimony of each witness that the defendant is a regular customer may also serve as corroboration that they are able to identify him even though he wore a mask covering his nose and mouth.

This court has considered the defendant's objection and the case law and arguments presented. The state has met its burden of establishing, by a preponderance of the evidence, that the defendant is the person who committed both offenses. In addition, the probative value of the collateral crimes, wrongs or acts sought to be admitted in this cause outweigh the unfair prejudice. It is therefore,

**ORDERED AND ADJUDGED** that the objection to the admission of the similar fact evidence listed by the state in this cause is overruled. The evidence shall be admissible at trial. The court has not located a written motion by the defendant to exclude the Williams Rule evidence but if one has been filed or orally pronounced it is denied.

**DONE AND ORDERED** at New Port Richey, Florida this 9<sup>th</sup> day of September, 2011.

  
MICHAEL F. ANDREWS  
Circuit Court Judge

Copies furnished to:  
Ryan McGee, Esq.  
Morgan Armstrong, *pro se*.



*Testimony Presented*

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*State*, 785 So.2d 1209, 1212 (Fla. 2001) (citations omitted). See also, *Hunter v. State*, 660 So.2d 244, 251 (Fla.1995); *Ashley v. State*, 265 So.2d 685, 693-94 (Fla.1972).

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**ORDERED AND ADJUDGED** that the objection to the admission of the similar fact evidence listed by the state in this cause is overruled. The evidence shall be admissible at trial. The court has not located a written motion by the defendant to exclude the Williams Rule evidence but if one has been filed or orally pronounced it is denied.

**DONE AND ORDERED** at New Port Richey, Florida this 7<sup>th</sup> day of September, 2011.

  
MICHAEL F. ANDREWS  
Circuit Court Judge

Copies furnished to:  
Ryan McGee, Esq.  
Morgan Armstrong, *pro se*.

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