

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2014*

**QUINTEN WALDEN,**  
Petitioner,

v.

**STATE OF FLORIDA,**  
Respondent.

No. 4D12-1537

[October 1, 2014]

Petition alleging ineffective assistance of counsel to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Susan Lebow, Judge; L.T. Case No. 06-12359 CF10A.

Quinten Walden, Jasper, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Monique Rolla, Assistant Attorney General, West Palm Beach, for respondent.

***ON REMAND FROM THE FLORIDA SUPREME COURT***

PER CURIAM.

The Florida Supreme Court has remanded this matter for reconsideration in light of *Williams v. State*, 123 So. 3d 23 (Fla. 2013). We conclude that appellate counsel did not provide ineffective assistance in the direct appeal. Counsel argued the fundamental error in the attempted voluntary manslaughter jury instruction, moved for rehearing and certification of the issue, and asked this Court to provide a citation to *Williams v. State*, 40 So. 3d 72 (Fla. 4th DCA 2010). In the direct appeal, we affirmed this issue without comment and did not provide a citation. *Walden v. State*, 57 So. 3d 248, 252 (Fla. 4th DCA 2011).

The Florida Supreme Court ultimately quashed our decision in *Williams*. If this Court had provided a citation to *Williams*, where we had certified a question of great public importance and conflict on the issue, Walden could have obtained relief from the Florida Supreme Court and

would be entitled to a new trial.<sup>1</sup>

Because it would be manifestly unjust to deny him the same remedy, we grant habeas corpus relief. *See De La Hoz v. Crews*, 123 So. 3d 101 (Fla. 3d DCA), *review dismissed*, 132 So. 3d 223 (Fla. 2013). Petitioner's conviction for attempted second degree murder is vacated, and the case is remanded for a new trial.

*Petition granted; remanded for a new trial.*

STEVENSON, LEVINE and KLINGENSMITH, JJ., concur.

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<sup>1</sup> *See, e.g., Rodriguez v. State*, 139 So. 3d 489 (Fla. 4th DCA 2014); *Fenster v. State*, 141 So. 3d 232 (Fla. 4th DCA 2014); *Lopez v. State*, 138 So. 3d 488 (Fla. 4th DCA 2014); *Davis v. State*, 138 So. 3d 489 (Fla. 4th DCA 2014); *Sessions v. State*, 137 So. 3d 1167 (Fla. 4th DCA 2014); *Coriolan v. State*, 137 So. 3d 1080 (Fla. 4th DCA 2014); *Cunningham v. State*, 39 Fla. L. Weekly D451 (Fla. 4th DCA Feb. 26, 2014); *Cox v. State*, 132 So. 3d 956 (Fla. 4th DCA 2014); *Morgan v. State*, 132 So. 3d 930 (Fla. 4th DCA 2014); *Williams v. State*, 121 So. 3d 634 (Fla. 4th DCA 2013).