

# Supreme Court of Florida

THURSDAY, AUGUST 24, 2023

Guillermo Octavio Arbelaez,  
Appellant(s)

v.

State of Florida,  
Appellee(s)

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**SC2015-1628**

Lower Tribunal No(s).:  
131988CF0055460001XX

Guillermo Octavio Arbelaez,  
Petitioner(s)

v.

Ricky D. Dixon, etc.  
Respondent(s)

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**SC2018-0392**

Lower Tribunal No(s).:  
131988CF0055460001XX

The “Motion for Rehearing” filed by the Appellant/Petitioner is hereby denied.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS,  
and FRANCIS, JJ., concur.

LABARGA, J., concurs with an opinion.

SASSO, J., did not participate.

LABARGA, J., concurring.

I continue to adhere to my dissent in *Arbelaez v. State*, 48 Fla.

L. Weekly S88 (Fla. May 25, 2023), wherein I reaffirmed my

dissenting view in *Phillips v. State*, 299 So. 3d 1013 (Fla. 2020), and

**CASE NO.: SC2015-1628**

**CASE NO.: SC2018-0392**

Page Two

my belief that *Hall v. Florida*, 572 U.S. 701 (2014), applies retroactively.

However, I agree that Arbelaez has not established a basis for this Court to grant rehearing. Consequently, I have voted to deny rehearing.

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Test:

SC2015-1628 8/24/2023

SC2018-0392 8/24/2023

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**John A. Tomasino**

**Clerk, Supreme Court**

SC2015-1628 8/24/2023

SC2018-0392 8/24/2023



SO

Served:

CAP APPEALS ATTORNEY GENERAL TLH

LESLIE T. CAMPBELL

TODD G. SCHER

MIAMI-DADE CLERK