

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**JOSEPH COTTO,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D13-1131

[July 1, 2015]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Barbara McCarthy, Judge; L.T. Case No. 99-9206 CF10A.

Carey Haughwout, Public Defender, and Paul E. Petillo, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Richard Valuntas, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We previously issued an opinion in this cause in *Cotto v. State*, 141 So. 3d 615 (Fla. 4th DCA 2014), but stayed our mandate pending resolution of these important issues by the Florida Supreme Court. These issues have now been resolved, and the State agrees that reversal is required.

We therefore reverse the trial court's order denying appellant's motion for postconviction relief and remand this matter for further proceedings consistent with *Falcon v. State*, 40 Fla. L. Weekly S151 (Fla. Mar. 19, 2015), and *Horsley v. State*, 160 So. 3d 393 (Fla. 2015).

*Reversed and remanded.*

GROSS, DAMOORGIAN and GERBER, JJ., concur.

\* \* \*

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