

# Third District Court of Appeal

State of Florida

Opinion filed March 20, 2019.

Not final until disposition of timely filed motion for rehearing.

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No. 3D17-537

Lower Tribunal No. 02-35420

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**Josue Cotto,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Teresa Mary Pooler, Judge.

Eugene F. Zenobi, Criminal Conflict and Civil Regional Counsel, Third Region, and Kristen Kawass, Assistant Regional Counsel, for appellant.

Ashley Moody, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before SALTER, LINDSEY, and MILLER, JJ.

PER CURIAM.

Following a protracted evidentiary hearing, appellant failed to “demonstrate both deficiency and prejudice,” thus we affirm the trial court’s denial of appellant’s motion for postconviction relief. See Strickland v. Washington, 466 U.S. 668, 687 (1984) (“A convicted defendant’s claim that counsel’s assistance was so defective as to require reversal . . . has two components. First, the defendant must show that counsel’s performance was deficient . . . Second, the defendant must show that the deficient performance prejudiced the defense.”); Krawczuk v. State, 92 So. 3d 195, 202 (Fla. 2012) (“[T]his Court has held that for ineffective assistance of counsel claims to be successful, the defendant must demonstrate both deficiency and prejudice.”) (citing Bolin v. State, 41 So. 3d 151, 155 (Fla. 2010)).