

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed November 6, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-0854  
Lower Tribunal No. 13-5829

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**Willie Weaver,**  
Petitioner,

vs.

**The State of Florida,**  
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Willie Weaver, in proper person.

Ashley Moody, Attorney General, and Michael W. Mervine, Assistant Attorney General, for respondent.

Before SALTER, LOGUE, and MILLER, JJ.

PER CURIAM.

Denied. See Rutherford v. Moore, 774 So. 2d 637, 644 (Fla. 2000) (“The failure to raise meritless claims does not render appellate counsel’s performance ineffective.”) (citations omitted); Jacobs v. Wainwright, 450 So. 2d 200, 202 (Fla. 1984) (“Counsel’s failure to make [an] argument based on the Federal Constitution . . . does not establish incompetence.”); see also Adams v. State, 10 So. 106, 113 (Fla. 1891), abrogated on other grounds by, Hannewacker v. City of Jacksonville Beach, 419 So. 2d 308 (Fla. 1982) (“A . . . picture, whether made by hand of man or by photography, verified as a true representation of the subject about which testimony is offered, is admissible in evidence to assist the jury in understanding the case.”); State v. Johnson, 128 So. 3d 237, 239 (Fla. 4th DCA 2013) (“[T]he video depicts the criminal act itself. Thus, it is not testimonial.”); Hillsborough Cty. v. Lovelace, 673 So. 2d 917, 918 (Fla. 2d DCA 1996) (“[T]he trial court improperly refused to admit photographs without the photographer’s testimony. This testimony is not required for admission of photographs into evidence.”) (citation omitted).