

Third District Court of Appeal

State of Florida

Opinion filed October 14, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-304
Lower Tribunal No. 82-776A

Wilfredo Torres,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Lisa S. Walsh,
Judge.

Ana M. Davide, for appellant.

Ashley Moody, Attorney General, and David Llanes, Assistant Attorney
General, for appellee.

Before LOGUE, SCALES, and HENDON, JJ.

PER CURIAM.

Affirmed. See Sweet v. State, 293 So. 3d 448, 453 (Fla. 2020) (stating that

“Florida does not recognize an independent claim of actual innocence in postconviction proceedings”); Davis v. State, 26 So. 3d 519, 526 (Fla. 2009) (“A defendant must meet two requirements to obtain a new trial based on newly discovered evidence. First, the evidence must not have been known by the trial court, the party, or counsel at the time of trial, and it must also appear that neither the defendant nor defense counsel could have known of such evidence by the use of diligence. Second, the newly discovered evidence must be of a nature that it would probably produce an acquittal on retrial or yield a less severe sentence.”); Alvarez v. State, 283 So. 3d 378 (Fla. 3d DCA 2019) (citing Agan v. State, 560 So. 2d 222, 222-23 (Fla. 1990), for the proposition that “a defendant’s failure to request records within the two-year post-conviction time limit does not exempt the time requirement for purposes of post-conviction relief”).