

# Third District Court of Appeal

## State of Florida

Opinion filed July 22, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1373  
Lower Tribunal No. 12-15341

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**Barbaro Fortun,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge.

Daniel J. Tibbitt, P.A., and Daniel J. Tibbitt, for appellant.

Ashley Moody, Attorney General, and Sandra Lipman, Assistant Attorney General, for appellee.

Before EMAS, C.J., and FERNANDEZ and HENDON, JJ.

PER CURIAM.

Affirmed. See State v. Leroux, 689 So. 2d 235, 238 (Fla. 1996)(observing: “A defendant who is informed by the court during the plea colloquy that he may have to serve every day of a ten-year sentence could hardly reasonably rely on counsel's advice to the contrary”).