

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed June 24, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D20-0598  
Lower Tribunal Nos. 76-2588B,76-417B

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**Derek Archie,**  
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, Stacy D. Glick, Judge.

Derek Archie, in proper person.

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

Before EMAS, C.J., and SCALES and MILLER, JJ.

PER CURIAM.

Affirmed. See Kokal v. State, 901 So. 2d 766, 777 (Fla. 2005) (“We have repeatedly held that claims of ineffective assistance of postconviction counsel are not cognizable.”) (citations omitted); see also Franklin v. State, 258 So. 3d 1239, 1241 (Fla. 2018) (“[W]e have . . . determined that the majority’s analysis in Atwell<sup>1</sup> improperly applied Graham<sup>2</sup> and Miller<sup>3</sup> . . . [B]ecause [the defendant’s] sentences include eligibility for parole there is no violation of the categorical rule announced in Graham.”); State v. Michel, 257 So. 3d 3, 8 (Fla. 2018) (“[J]uvenile offenders’ sentences of life with the possibility of parole after [twenty-five] years under Florida’s parole system do not violate ‘Graham’s requirement that juveniles . . . have a meaningful opportunity to receive parole.”) (third alteration in original) (quoting Virginia v. LeBlanc, 137 S. Ct. 1726, 1729, 198 L. Ed. 2d 186 (2017)).

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<sup>1</sup> Atwell v. State, 197 So. 3d 1040 (Fla. 2016).

<sup>2</sup> Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010).

<sup>3</sup> Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012).