

# Third District Court of Appeal

State of Florida

Opinion filed February 2, 2022.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D21-1424  
Lower Tribunal No. F16-3147

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**Julio Santiexposito,**  
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, Carmen Cabarga, Judge.

Julio Santiexposito, in proper person.

Ashley Moody, Attorney General, for appellee.

Before LOGUE, HENDON and LOBREE, JJ.

HENDON, J.

The issues raised by the defendant are procedurally barred as they should have and could have been raised on direct appeal, see Byrd v. State,

597 So. 2d 252, 254 (Fla.1992) (holding that post-conviction relief cannot be based on grounds which either were or could have been raised on direct appeal); Morejon v. Moore, 738 So. 2d 1034 (Fla. 3d DCA 1999) (same), or are conclusively refuted by the record, see Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed.2d 674 (1984).

Affirmed.