

Third District Court of Appeal

State of Florida

Opinion filed May 8, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-2035
Lower Tribunal No. F15-9216

Markeita Davis,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Cristina Maria Miranda, Judge.

Markeita Davis, in proper person.

Ashley Moody, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before FERNANDEZ, GORDO and BOKOR, JJ.

PER CURIAM.

Affirmed. See Strickland v. Washington, 466 U.S. 668, 687 (1984) (setting forth the two-part test for ineffective assistance of counsel requiring a showing of material errors and that such deficient performance prejudiced the defense amounting to a deprivation of the right to a fair trial); Alcorn v. State, 121 So. 3d 419, 422 (Fla. 2013) (“[T]o show prejudice, the defendant must demonstrate a reasonable probability, defined as a probability sufficient to undermine confidence in the outcome, that (1) he or she would have accepted the [plea] offer had counsel advised the defendant correctly, (2) the prosecutor would not have withdrawn the offer, (3) the court would have accepted the offer, and (4) the conviction or sentence, or both, under the offer's terms would have been less severe than under the judgment and sentence that in fact were imposed.”); Blanco v. State, 702 So. 2d 1250, 1252 (Fla. 1997) (explaining that in reviewing findings after an evidentiary hearing “this Court will not substitute its judgment for that of the trial court on questions of fact, likewise of the credibility of the witnesses as well as the weight to be given to the evidence by the trial court” (quotations omitted)).