

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

SERGIO RADILLO, JR.,

**

Appellant,

**

vs.

**

CASE NO. 3D00-1964

THE STATE OF FLORIDA,

**

Appellee.

LOWER

**

TRIBUNAL NO. 93-39508

Opinion filed August 15, 2001.

An appeal from the Circuit Court for Dade County, Amy Dean,
Judge.

Rodney W. Bryson and H. Frank Rubio, for appellant.

Robert A. Butterworth, Attorney General, and Frank J.
Ingrassia, Assistant Attorney General, for appellee.

Before JORGENSEN, COPE and GREEN, JJ.

PER CURIAM.

Sergio Radillo, Jr., appeals an order denying his motion for
postconviction relief under Florida Rule of Criminal Procedure
3.850. We affirm.

The trial court conducted a lengthy evidentiary hearing on defendant-appellant Radillo's claims that his trial counsel had been ineffective. The same trial judge had presided at the trial in which the defendant was convicted.

In a thorough order, the court concluded that the defendant had failed to establish his trial counsel had been ineffective. See Strickland v. Washington, 466 U.S. 668 (1984). The trial court's order is supported by competent substantial evidence, and accordingly we affirm. Porter v. State, 26 Fla. L. Weekly S321 (Fla. May 3, 2001). We likewise find no error in the scope of the evidentiary hearing that was ordered.

The defendant also contends that the trial court should have considered polygraph evidence. We reject that argument on authority of Shannon v. State, 753 So. 2d 148 (Fla. 3d DCA 2000).

Affirmed.