

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Robert Joel Cota v. State of Florida

No. 1D2023-2849 · No. 1D2023-2849 · Decided June 18, 2025

SUMMARY

The First District Court of Appeal of Florida affirmed Robert Joel Cota’s convictions and sentences for sexual battery, aggravated child abuse, and aggravated assault with a firearm. The court held that the trial court did not abuse its discretion in denying Cota’s request for substitute appointed counsel after a Nelson hearing. It also held that no Faretta inquiry was required because Cota never unequivocally requested to represent himself.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per curiam; Rowe, J.; Roberts, J.; Kelsey, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	June 18, 2025
DOCKET	1D2023-2849
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cota appealed his judgment and sentence following a jury trial and the denial of his motion to discharge appointed counsel and request for self-representation.
STANDARD OF REVIEW	Abuse of discretion for the trial court's ruling on a motion to discharge appointed counsel.
PRECEDENTIAL VALUE	Published opinion; precedential under Florida law, subject to any later authorized motion or subsequent appellate history.
PARTIES	Robert Joel Cota v. State of Florida

TOPICS

- right to counsel
- ineffective assistance
- criminal procedure
- sixth amendment
- appellate procedure

PRACTICE AREAS

- criminal procedure
- criminal defense
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Cota's request to discharge appointed counsel after conducting a Nelson hearing.
2. Whether the trial court was required to advise Cota of his right to self-representation and conduct a Faretta inquiry when he did not unequivocally request to represent himself.

HOLDINGS

1. The trial court did not abuse its discretion in refusing to discharge appointed counsel because Cota expressed only generalized dissatisfaction with counsel's communication, discovery, and strategic decisions, and the record supported the trial court's findings that counsel was not ineffective.
2. The trial court was not required to advise Cota of his right to self-representation or conduct a Faretta inquiry because Cota never made an unequivocal request to represent himself.

KEY QUOTATIONS

“As with a defendant’s desire to discharge counsel under Nelson, a Faretta inquiry is triggered only when a defendant asserts an unequivocal desire to represent himself at trial.” (9)

“And a trial court’s denial of a defendant’s motion to appoint new counsel, without a clear request to self-represent, does not automatically trigger a Faretta inquiry.” (9)

FACTUAL BACKGROUND

Cota was convicted after evidence showed that he sexually and physically abused his fourteen-year-old daughter and threatened her with a firearm. The trial court admitted the victim's child-protection-team interviews and Cota's statements to a pastor, rejecting his arguments that the interviews were unreliable and that the statements were protected by clergy privilege. Before trial, Cota sought new appointed counsel, alleging inadequate communication, lack of discovery, and failure to depose the victim; the trial court conducted a Nelson hearing and denied the request.

PROCEDURAL HISTORY

The Circuit Court for Escambia County denied Cota's motion in limine seeking exclusion of statements to a pastor under Florida's clergy privilege. After conducting a Nelson hearing, the trial court denied Cota's request for new appointed counsel. Following a jury trial, Cota was convicted of two sexual-battery offenses, aggravated child abuse, and aggravated assault with a firearm, and was sentenced to consecutive prison terms. The First District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Nelson v. State, 274 So. 2d 256 (Fla. 4th DCA 1973)

- *Figueroa-Sanabria v. State*, 366 So. 3d 1035, 1048 (Fla. 2023)
- *LeGrand v. State*, 31 So. 3d 924, 926 (Fla. 1st DCA 2010)
- *Logan v. State*, 846 So. 2d 472, 477 (Fla. 2003)
- *Morrison v. State*, 818 So. 2d 432, 440-41 (Fla. 2002)
- *Hannon v. State*, 941 So. 2d 1109, 1119 (Fla. 2006)
- *Wendell v. State*, 392 So. 3d 273, 277 (Fla. 1st DCA 2024)
- *Occhicone v. State*, 768 So. 2d 1037, 1048 (Fla. 2000)
- *Potts v. State*, 718 So. 2d 757, 759 (Fla. 1998)
- *Faretta v. California*, 422 U.S. 806 (1975)
- *State v. Craft*, 685 So. 2d 1292, 1295 (Fla. 1996)
- *Case v. State*, 865 So. 2d 557, 559 (Fla. 1st DCA 2003)
- *Blake v. State*, 972 So. 2d 839, 845-46 (Fla. 2007)

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