

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Edwin Proano v. State of Florida

No. 3D24-1771 (Fla. 3d DCA Apr. 29, 2026) · No. No. 3D24-1771 · Decided April 29, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Edwin Proano’s motion for postconviction relief under Florida Rule of Criminal Procedure 3.850(b). The court deferred to the trial court’s credibility findings and concluded that counsel’s decision not to call the responding officer was reasonable and that the finding concerning the absence of a formal six-year plea offer was supported by competent, substantial evidence.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Miller, J.; Scales, C.J.; Gooden, J.
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	April 29, 2026
DOCKET	No. 3D24-1771
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Miami-Dade County denying a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850(b) after an evidentiary hearing.
STANDARD OF REVIEW	Ineffective-assistance-of-counsel claims are reviewed for competent and substantial evidence, with deference to the trial court's credibility findings.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Edwin Proano v. State of Florida

TOPICS

- ineffective assistance
- plea bargaining
- post-conviction relief
- standard of review
- appellate procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

plea bargaining

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Proano's postconviction claim that counsel was ineffective for failing to call the responding officer as a witness.
2. Whether the trial court erred in finding that no formal six-year plea offer had been made and in denying related plea-based ineffective-assistance relief.

HOLDINGS

1. The trial court properly denied relief because counsel's decision not to call the responding officer was reasonably explained as a tactical decision and the appellate court deferred to the trial court's credibility findings.
2. The trial court did not clearly err in finding that no formal six-year plea offer existed because that finding was supported by competent, substantial evidence.

KEY QUOTATIONS

"Deferring to the trial court's credibility findings, as we must, noting that Proano's former counsel, a board-certified criminal defense attorney reasonably explained her tactical decision to forgo calling the responding officer as a witness, and finding that the trial court's finding as to the lack of a formal six-year plea offer is supported by competent, substantial evidence, we affirm." (at 1)

"Judicial scrutiny of counsel's performance must be highly deferential" (at 1)

"[T]rial counsel's decision to not call certain witnesses to testify at trial can be reasonable trial strategy." (at 1)

FACTUAL BACKGROUND

Proano's former counsel, a board-certified criminal defense attorney, explained her tactical decision not to call the responding officer as a witness. The trial court credited that explanation. The trial court also found that no formal six-year plea offer had been made, and that finding was supported by competent, substantial evidence.

PROCEDURAL HISTORY

Proano sought postconviction relief under Florida Rule of Criminal Procedure 3.850(b), asserting ineffective assistance of counsel relating to the failure to call a responding officer and the alleged existence of a formal six-year plea offer. Following an evidentiary hearing, the circuit court denied relief. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Hurst v. State, 18 So. 3d 975, 996 (Fla. 2009)
- Downs v. State, 453 So. 2d 1102, 1107-09 (Fla. 1984)
- Everett v. State, 54 So. 3d 464, 474 (Fla. 2010)
- Cobb v. State, 394 So. 3d 1195, 1198 (Fla. 3d DCA 2024)
- Lafler v. Cooper, 566 U.S. 156, 174 (2012)
- Lawrence v. State, 969 So. 2d 294, 308 (Fla. 2007)
- Grosvenor v. State, 874 So. 2d 1176, 1179 (Fla. 2004)
- Wait v. State, 212 So. 3d 1082, 1087 (Fla. 1st DCA 2017)
- Dombrowski v. State, 695 So. 2d 470, 471 (Fla. 4th DCA 1997)
- Strickland v. Washington, 466 U.S. 668 (1984)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 29, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1771 Lower Tribunal No. F15-13519 _____ Edwin Proano, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Christine Hernandez, Judge.

Edwin Proano, in proper person. James Uthmeier, Attorney General, and Haccord J. Curry, Assistant Attorney General, for appellee. Before SCALES, C.J., and MILLER, and GOODEN, JJ. MILLER, J. Appellant, Edwin Proano, appeals from an order denying his motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.850(b) following an evidentiary hearing.

Deferring to the trial court’s credibility findings, as we must, noting that Proano’s former counsel, a board-certified criminal defense attorney reasonably explained her tactical decision to forgo calling the responding officer as a witness, and finding that the trial court’s finding as to the lack of a formal six-year plea offer is supported by competent, substantial evidence, we affirm.

See Hurst v. State, 18 So. 3d 975, 996 (Fla. 2009) (ineffective assistance of counsel claims reviewed for competent and substantial evidence under Strickland¹); Downs v. State, 453 So. 2d 1102, 1107–09 (Fla. 1984) (“Judicial scrutiny of counsel's performance must be highly deferential” and “even if... counsel's conduct... [was] unreasonable, we would also... [find] counsel's deficiencies did not prejudice [the defendant].”); Everett v. State, 54 So.

3d 464, 474 (Fla. 2010) (“[T]rial counsel's decision to not call certain witnesses to testify at trial can be reasonable trial strategy.”); Cobb v. State, 394 So. 3d 1195, 1198 (Fla. 3d DCA 2024) (“[E]rroneous strategic prediction about the outcome of a trial is not necessarily deficient

performance.” (quoting *Lafler v. Cooper*, 566 U.S. 156, 174 (2012))); see also *Lawrence v. State*, 969 So.

1 *Strickland v. Washington*, 466 U.S. 668 (1984). 2 2d 294, 308 (Fla. 2007) (“[Appellant] has not demonstrated ‘a reasonable probability that, but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial.’” (quoting *Grosvenor v. State*, 874 So. 2d 1176, 1179 (Fla. 2004))); *Wait v. State*, 212 So. 3d 1082, 1087 (Fla.

1st DCA 2017) (“Appellant would not have accepted the plea offer, and that finding is supported by competent and substantial evidence.”); *Dombrowski v. State*, 695 So. 2d 470, 471 (Fla. 4th DCA 1997) (“From our reading of the transcript, no plea bargain was in fact offered.”). Affirmed.
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