

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-1355
Lower Tribunal No. 2016-CF-009530-A-O

DARRIUS WILLIAM MILLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Orange County.
Leticia Marques, Judge.

January 9, 2026

PER CURIAM.

AFFIRMED. *See* Fla. R. App. P. 9.141(b)(2)(D) (establishing that the summary denial of all claims raised in a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850, without an evidentiary hearing, is appropriate if “the record shows conclusively that the appellant is entitled to no relief”); *State v. Upton*, 658 So. 2d 86, 87 (Fla. 1995) (“An effective waiver of a constitutional right must be knowing, voluntary, and intelligent” (citing *Brady v. United States*, 397 U.S. 742 (1970))); *Ross v. State*, 392 So. 2d 23, 24 (Fla. 4th DCA 1980) (Anstead, J., concurring specially) (“[E]ven

if a prima facie showing of failure to render reasonably effective assistance of counsel has been made, such ineffective assistance was known to defendant at time of trial, knowingly and voluntarily concurred in by him, and cannot support this collateral attack. . . . Even though his complaint of ineffective assistance of counsel is of constitutional dimension, he has knowingly waived the error, consenting thereto.” (citations omitted)); *see generally Chames v. DeMayo*, 972 So. 2d 850, 860 (Fla. 2007) (observing that “a trend has developed toward permitting the [knowing, voluntary, and intelligent] waiver of constitutional rights, especially rights given to criminal defendants” (collecting cases)).

NARDELLA, WOZNIAK and PRATT, JJ., concur.

Susanne Sichta and Rick Sichta, of The Sichta Firm, LCC, Jacksonville, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Rebecca Rock McGuigan, Assistant Attorney General, Daytona Beach, for Appellee

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF TIMELY FILED