

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

JAMES SANDERS,

Petitioner,

v.

CASE NO. 1D04-4352

STATE OF FLORIDA,

Respondent.

Opinion filed February 28, 2005.

Petition Alleging Ineffective Assistance of Appellate Counsel -- Original Jurisdiction.

James Sanders, pro se, petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

ON MOTION FOR REHEARING

PER CURIAM.

Petitioner's motion for rehearing is granted. We withdraw the prior opinion issued in this cause on November 30, 2004, and substitute the following therefor. The petition alleging ineffective assistance of appellate counsel is denied. Fla. R. App. P. 9.141(c)(5)(C).

ERVIN, BARFIELD and KAHN, JJ., concur.