

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

JERMARAL RAMON COBB,

Appellant,

v.

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

CASE NO. 1D09-1787

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed August 21, 2009.

An appeal from the Circuit Court for Gilchrist County.  
Stan R. Morris, Judge.

Jermaral Ramon Cobb, pro se, Appellant.

Bill McCollum, Attorney General, and Charlie McCoy, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Having considered appellee's motion for remand and reconsideration of  
order under review, we have determined that the motion is well-taken. The Florida

Supreme Court has recently adopted a comprehensive set of rules to be used in civil proceedings under Chapter 394, Part V, “The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act.” See In re Florida Rules of Civil Procedure for Involuntary Commitment of Sexually Violent Predators, 34 Fla. L. Weekly S405 (Fla. July 9, 2009). Newly adopted rule 4.460 provides that a respondent in a civil commitment proceeding “may file a petition for habeas corpus alleging ineffective assistance of counsel in the county in which the judgment was rendered within two years after the judgment becomes final.” Accordingly, the order of the circuit court is reversed and the cause is remanded with directions to treat the previously filed rule 1.540 motion as a petition for writ of habeas corpus alleging ineffective assistance of counsel.

ALLEN, DAVIS, and PADOVANO, JJ., CONCUR.