

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2005*

**PAULINE PHILLIPS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D05-3259

[September 28, 2005]

PER CURIAM.

Affirmed. With respect to the use of rule 3.800(a) as an avenue of relief, *see Williams v. State*, 825 So. 2d 994 (Fla. 4th DCA), *cause dismissed*, 891 So. 2d 554 (Fla. 2002); on the merits of the claim, *see State v. Woodley*, 695 So. 2d 297 (Fla.) (holding that *Gray* was not to be applied retroactively to cases which were final at the time *Gray* was rendered), *cert. denied*, 522 U.S. 893 (1997); *State v. Gray*, 654 So. 2d 552, 554 (Fla. 1995) (“This decision must be applied to all cases **pending on direct review or not yet final.**”) (emphasis added).

STEVENSON, C.J., GUNTHER and POLEN, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Krista Marx, Judge; L.T. Case No. 04-5437 CFA02.

Pauline Phillips, Quincy, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***