

Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed March 9, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D10-2957
Lower Tribunal No. 88-2420

Kevin Harvey,
Petitioner,

vs.

The State of Florida,
Respondent.

On Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Mary Barzee Flores, Judge.

Kevin Harvey, in proper person.

Pamela Jo Bondi, Attorney General, for respondent.

Before SUAREZ, CORTIÑAS, and LAGOA, JJ.

SUAREZ, J.

Kevin D. Harvey petitions for writ of habeas corpus alleging ineffective assistance of appellate counsel. We dismiss the petition as premature, without

prejudice to refile his petition once the pending motions below have been heard and finally determined, in particular, his motion to vacate the judgment and sentence now set for hearing.

Dismissed without prejudice.