

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

JAMES C. MORRISON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D03-2209

Opinion filed July 14, 2003.

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

James C. Morrison, petitioner, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, for respondent.

PER CURIAM.

James C. Morrison petitions for relief on a claim of ineffective assistance of appellate counsel. However, inasmuch as his direct appeal is still pending before the

court, his petition is premature and we deny it on that basis. Moreover, we note that the substantive issue raised in the petition is also raised in Morrison's pro se initial brief in the direct appeal, and thus will necessarily be considered by the panel determining the merits of that proceeding.

PETITION DENIED.

ERVIN, PADOVANO and POLSTON, JJ., concur.