

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

BENNY N. MARZULLO,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-2895

Opinion filed August 11, 2005.

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

Benny N. Marzullo, pro se, petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

PER CURIAM.

The petition alleging ineffective assistance of appellate counsel is denied as both successive and procedurally barred. See Fla. R. App. P. 9.141(c)(4)(B); Fla. R. App. P. 9.141(c)(5)(C).

KAHN, C.J.; PADOVANO and LEWIS, JJ., concur.