

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

DWAYNE KEITH HEAD,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D07-3184

Opinion filed September 12, 2007.

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

Dwayne Keith Head, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

Dwayne Keith Head complains that he was deprived of the effective assistance of appellate counsel in the course of a postconviction appeal docketed before this

court as case number 1D03-5073. Inasmuch as mandate in that appeal issued more than two years ago, Head's petition is untimely under rule 9.141(c)(4)(B). More to the point, although it appears that Head is claiming he was deprived of the services of appellate counsel despite an order of the trial court appointing counsel for purposes of the appeal, this court's records reflect that in fact appointed counsel did appear on petitioner's behalf in the prior appeal. Accordingly, we conclude that even if Head's claim were not procedurally barred, it nonetheless is without any factual support.

**PETITION DENIED.**

**BROWNING, C.J., PADOVANO and THOMAS, JJ., CONCUR.**