

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-2053

DAVID B. ROBERTS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition Alleging Ineffective Assistance of Appellate Counsel—
Original Jurisdiction.

September 22, 2021

PER CURIAM.

The petition alleging ineffective assistance of appellate counsel is denied on the merits. *See Topps v. State*, 865 So. 2d 1253, 1258 (Fla. 2004) (explaining that a decision on an extraordinary writ petition that “clearly shows that the issue was considered by the court on the merits” is deemed a decision “which would later bar the litigant from presenting the issue under the doctrines of res judicata or collateral estoppel”).

RAY, JAY, and TANENBAUM, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

David B. Roberts, pro se, Petitioner.

Ashley Moody, Attorney General, Tallahassee, for Respondent.