

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

EMMANUEL CHARLES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D03-3972

[August 29, 2007]

ON MANDATE FROM THE SUPREME COURT OF FLORIDA

PER CURIAM.

In light of the supreme court's decision in *State v. Vickery*, 32 Fla. L. Weekly S425 (Fla. July 5, 2007), quashing this Court's opinion in *Charles v. State*, 890 So. 2d 542 (Fla. 4th DCA 2005), and remanding for further consideration, we affirm the summary denial of appellant's post-conviction claims, including his claim of ineffective assistance of trial counsel for failure to request lesser-included offenses. *See Sanders v. State*, 847 So. 2d 504 (Fla. 1st DCA 2003) (en banc), *approved*, 946 So. 2d 953 (Fla. 2006).

KLEIN, STEVENSON and GROSS, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Dorian Damoorgian, Judge; L.T. Case No. 99-20225 CF10A.

Emmanuel Charles, Miami, pro se.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.