

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

SALVATORE BENNETT ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-4825

[June 1, 2005]

**ON MOTION FOR REHEARING/
MOTION TO CERTIFY CONFLICT**

PER CURIAM.

We deny appellant's motion for rehearing, but grant the motion to certify conflict. As to our reliance on *Richardson v. State*, 884 So. 2d 950 (Fla. 4th DCA 2004), we again certify conflict with *McCall v. State*, 862 So. 2d 907 (Fla. 2d DCA 2003).

POLEN, KLEIN and SHAHOOD, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 04-673 CF10A.

Salvatore Bennett, Moore Haven, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.