

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

FRANKLIN MONFISTON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-1060

[August 17, 2011]

PER CURIAM.

Affirmed. See Anthony v. State, 980 So. 2d 610 (Fla. 4th DCA 2008), *rev. denied*, 6 So. 3d 607 (Fla. 2009). Appellant argues the second claim of his postconviction motion which this court did not discuss in its remand in *Monfiston v. State*, 946 So. 2d 1194 (Fla. 4th DCA 2006). This court affirmed the summary denial of that claim in the prior appeal.

GROSS, CIKLIN and CONNER, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case No. 02-11951CF10A.

Franklin Monfiston, Lake City, pro se.

Pamela Jo Bondi, 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.