

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2009*

**TIMOTHY MCTIGUE,**  
Petitioner,

v.

**STATE OF FLORIDA,**  
Respondent.

No. 4D09-3391

[September 16, 2009]

PER CURIAM.

Denied. *Velasquez v. State*, 9 So. 3d 22 (Fla. 4th DCA 2009). *See also* *Dennis v. State*, 34 Fla. L. Weekly D537 (Fla. 4th DCA Mar. 11, 2009); *Govoni v. State*, 34 Fla. L. Weekly D1688 (Fla. 4th DCA Aug. 19, 2009). We certify that this decision conflicts with *Peterson v. State*, 983 So. 2d 27 (Fla. 1st DCA 2008).

TAYLOR, HAZOURI and CIKLIN, JJ., concur.

\* \* \*

Petition for writ of habeas corpus to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John S. Kastrenakes, Judge; L.T. Case No. 2007CF6655A.

Lewis K. Hanna of Lewis K. Hanna, P.A., Boca Raton, for petitioner.

No appearance required for respondent.

***Not final until disposition of timely filed motion for rehearing.***