

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

**ORLANDO CANETE,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-4376

[July 20, 2011]

PER CURIAM.

The defendant appeals from a final order summarily denying his petition for writ of habeas corpus. He contends that the circuit court failed to consider the merits of his supplemental motion filed pursuant to Florida Rule of Criminal Procedure 3.850.

We disagree with the defendant. It appears that the circuit court considered the merits of his supplemental motion by “summarily denying” the habeas petition rather than dismissing it as the state recommended. We also have considered the petition on its merits, and we conclude that the circuit court did not err in summarily denying it.

*Affirmed.*

MAY, C.J., GERBER, and CONNER, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cynthia G. Imperato, Judge; L.T. Case No. 02-8494CF10A.

Orlando Canete, Arcadia, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Laura Fisher, Assistant Attorney General, West Palm Beach, for appellee.

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