

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

EDWIN ORTIZ,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D08-5380
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed November 10, 2010.

Appeal from the Circuit Court for Hardee  
County; Marcus J. Ezelle and Robert Doyel,  
Judges.

Robin H. Stevenson, Bartow, for  
Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Ha Thu Dao,  
Assistant Attorney General, Tampa, for  
Appellee.

**ORDER GRANTING APPELLANT'S MOTION FOR RECONSIDERATION AND  
STRIKING PRO SE MOTION FOR REHEARING**

MORRIS, Judge.

On September 1, 2010, this court issued its opinion affirming the trial  
court's denial of Ortiz's motion for postconviction relief filed pursuant to Florida Rule of  
Criminal Procedure 3.850. On September 7, 2010, Ortiz filed a pro se motion for

rehearing. At all relevant times during the pendency of this appeal, Ortiz has been represented by counsel. Accordingly, his pro se motion was stricken by this court in accordance with our opinion in Benjamin v. State, 32 So. 3d 131 (Fla. 2d DCA 2009).

Subsequent to the filing of his motion for rehearing, Ortiz wrote to the chief judge of this court requesting that this court review (and presumably recede from) Benjamin. Ortiz's letter will be treated as a motion for reconsideration of his earlier motion for rehearing.

Having considered Ortiz's arguments, we decline to recede from Benjamin and we approve the striking of Ortiz's pro se motion for rehearing.

DAVIS and CRENSHAW, JJ., Concur.