

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DEDRICK POPE,)
)
 Petitioner,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Respondent.)
 _____)

Case No. 2D03-5554

Opinion filed May 28, 2004.

Petition Alleging Ineffective
Assistance of Appellate Counsel.
Lee County;
Thomas S. Reese, Judge.

Dedrick Pope, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Richard M. Fishkin,
Assistant Attorney General, Tampa,
for Respondent.

PER CURIAM.

Dedrick Pope's petition alleging ineffective assistance of appellate counsel
(PAIAAC) is denied without prejudice to Pope filing a timely motion to withdraw plea in
the trial court, pursuant to Florida Rule of Criminal Procedure 3.850. We note that Pope

filed a motion to withdraw plea, on November 14, 2001, which the trial court denied. Because that motion was based on other grounds, any new motion that asserts the claim raised in Pope's PAIAAC would not be successive.

Petition denied without prejudice.

FULMER, SILBERMAN, and KELLY, JJ., Concur.