

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

SYLVESTER MOSLEY,	**	
Appellant,	**	
vs.	**	CASE NO. 3D01-1058
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 98-24732

Opinion filed September 19, 2001.

An Appeal from the Circuit Court for Dade County, Leonard E. Glick, Judge.

Sylvester Mosley, in proper person.

Robert A. Butterworth, Attorney General, and Frank J. Ingrassia, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and SORONDO, and RAMIREZ, JJ.

ON MOTION FOR REHEARING

PER CURIAM.

We initially reversed the summary denial of Sylvester Mosley's Motion for Post-Conviction Relief pursuant to Florida Rules of Criminal Procedure 3.850, because the State had been unable to

provide us with a transcript of Mosley's plea colloquy. The State has now filed the transcript, which affirmatively refutes Mosley's allegations.

We therefore grant rehearing, affirm the trial court's denial of the motion, and withdraw our previous opinion rendered August 29, 2001.