

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. 2002

BORIS ROSAS-SANCHEZ,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-978
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 97-4904

Opinion filed November 20, 2002.

An Appeal under Florida Rule of Appellate Procedure  
9.141(b)(2) from the Circuit Court for Miami-Dade County, David  
H. Young, Judge.

Boris Rosas-Sanchez, in proper person.

Richard E. Doran, Attorney General, and Kristine Keaton  
(Ft. Lauderdale), Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., GREEN and SHEVIN, JJ.

PER CURIAM.

We grant the defendant's motion to recall the mandate,

and motion to certify conflict. We withdraw the opinion issued August 14, 2002, and substitute the following.

We affirm the denial of defendant's post-conviction relief motion. Foster v. State, 794 So. 2d 731 (Fla. 3d DCA 2001). We certify conflict with Murphy v. State, 773 So. 2d 1174 (Fla. 2d DCA 2000), and Mortimer v. State, 770 So. 2d 743 (Fla. 4<sup>th</sup> DCA 2000).