

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2004

MONTGOMERY BLAIR SIBLEY, **
 Appellant, **
 vs. ** CASE NO. 3D03-2083
BARBARA SIBLEY, **
 Appellee. ** LOWER
 ** TRIBUNAL NO. 94-18177

Opinion filed December 8, 2004.

An appeal from the Circuit Court for Dade County, Thomas S. Wilson, Jr., and Maxine Cohn Lando, Judges.

Montgomery Blair Sibley, in proper person.

Jay M. Levy; Bette E. Quiat, for appellee.

Before COPE, GERSTEN and GREEN, JJ.

On Motion for Rehearing

PER CURIAM.

We grant the motion for rehearing in one respect, and deny the remainder of the motion.

The former husband argues that under the terms of this court's opinion dated November 3, he is precluded from filing a pro se motion to invoke the discretionary review jurisdiction of the

Florida Supreme Court. That is so because this court's opinion directs "the clerk of this court to reject any further filings in this court on the former husband's behalf unless signed by a member of the Florida Bar (other than the former husband)." Opinion at 18.

This court has permitted the former husband to file a pro se motion for rehearing and rehearing en banc in this case. Consistent with that procedure, we modify our opinion of November 3, 2004 to permit the filing of a pro se notice to invoke discretionary jurisdiction of the Florida Supreme Court, should the former husband choose to do so.

The former husband maintains that this court should not have quoted his correspondence to his former wife, arguing that the quoted correspondence is not in the record of this appeal. That point is without merit. We clearly stated in our opinion of November 3 that for purposes of part V of the opinion, this court reviewed its files in all of the former husband's prior appellate proceedings. The quoted letter is found in Sibley v. Sibley, No. 3D02-3171, Appendix to Appellee's Answer Brief.

We deny rehearing on the remaining points without further discussion.

Rehearing granted in part, denied in part.