

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. 2004

JUAN CARLOS BURGAL,	**	
Appellant,	**	CASE NO. 3D03-3016
vs.	**	
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 96-30941

Opinion filed November 17, 2004.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the
Circuit Court of Miami-Dade County, Henry Leyte-Vidal, Judge.

Juan Carlos Burgal, in proper person.

Charles J. Crist, Jr., Attorney General, and Linda S. Katz,
Assistant Attorney General, for appellee.

Before GREEN, FLETCHER and RAMIREZ, JJ.

PER CURIAM.

Affirmed. Blakely v. Washington, 124 S. Ct. 2531 (2004)
does not apply retroactively to cases on collateral review. See

McBride v. State, 29 Fla. L. Weekly D2235 (Fla. 4th DCA Oct. 6, 2004).