

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

DONALD JENKINS,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D04-908

THE STATE OF FLORIDA,

\*\*

Appellee.

\*\* LOWER  
TRIBUNAL NO. 98-12528  
\*\*

Opinion filed November 10, 2004.

A case of Original Jurisdiction - Habeas Corpus.

Bennett H. Brummer, Public Defender and Paul Morris,  
Special Assistant Public Defender, for appellant.

Charles J. Crist, Jr. Attorney General and Angel L.  
Fleming, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and LEVY and WELLS, JJ.

PER CURIAM.

The petition for habeas corpus based on appellate counsel's  
failure to raise the denial of the defendant's motion to  
suppress his confession on direct appeal, see Jenkins v. State,

837 So. 2d 1088 (Fla. 3d DCA 2003), is denied because the ground asserted has no substantive merit. *Brown v. State*, 846 So. 2d 1114 (Fla. 2003); *Frances v. State*, 857 So. 2d 1002 (Fla. 5th DCA 2003).