

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

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

JOSE A. DIAZ,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

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\*\* CASE NO. 3D04-1190

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\*\* LOWER

TRIBUNAL NO. 97-13409

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Opinion filed June 2, 2004.

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

Jose A. Diaz, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before SHEVIN, RAMIREZ, and WELLS, JJ.

PER CURIAM.

Affirmed. The motion for post-conviction relief was  
properly denied as it only states that appellant Jose A. Diaz  
was given a life sentence, therefore, counsel was ineffective.

This does not meet either prong of Strickland v. Washington, 466 U.S. 668, 687 (1984).