

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

CARL EVAN SWAIN,

Petitioner,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D10-1999

STATE OF FLORIDA,

Respondent.

/

Opinion filed June 21, 2010.

Petition Alleging Ineffective Assistance of Appellate Counsel -- Original Jurisdiction.

Carl Evan Swain, pro se, Petitioner.

Bill McCollum, Attorney General, and Edward C. Hill, Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

It appearing that petitioner's timely direct appeal was dismissed through no fault of petitioner himself, the petition alleging ineffective assistance of appellate counsel is granted. By separate order rendered in that proceeding, the appeal in case number 1D08-6117 will be reinstated.

DAVIS, ROBERTS, and ROWE, JJ., CONCUR.