

Third District Court of Appeal
State of Florida, July Term, A.D. 2009

Opinion filed December 23, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-3209
Lower Tribunal No. 04-31906

Rodrigo Bonilla,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Rodrigo Bonilla, in proper person.

Bill McCollum, Attorney General, for respondent.

Before GERSTEN, SUAREZ, and SALTER, JJ.

PER CURIAM.

We deny the defendant's petition for writ of habeas corpus arguing ineffective assistance of appellate counsel. However, to preserve the defendant's

rights, we certify direct conflict with Montgomery v. State, 34 Fla. L. Weekly D360 (Fla. 1st DCA Feb. 12, 2009), which is currently pending review before the Florida Supreme Court. State v. Montgomery, 11 So. 3d 943 (Fla. 2009).

Habeas corpus denied; conflict certified.