

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

DANIEL WRIGHT,	**	
Petitioner,	**	
vs.	**	CASE NO. 3D01-1611
THE STATE OF FLORIDA,	**	
Respondent,	**	LOWER TRIBUNAL NO. 97-24929 J97-7527

Opinion filed October 24, 2001.

A Case of Original Jurisdiction - Habeas Corpus.

Daniel Wright, in proper person.

Robert A. Butterworth, Attorney General, and Mark Rosenblatt,  
Assistant Attorney General, for respondent.

Before COPE, LEVY and FLETCHER, JJ.

PER CURIAM.

We deny the petition of Daniel Wright for a writ of habeas corpus whereby he alleges that his appellate counsel was ineffective. We have taken judicial notice of the briefs in the direct appeal, Wright v. State, 759 So. 2d 730 (Fla. 3d DCA 2000).

Assuming that the points were raised by a proper motion for judgment of acquittal, it is plain that the evidence was legally

sufficient to go to the jury on the question of whether the defendant was correctly identified as the perpetrator of the charged crimes. The evidence regarding the offense of burglary was legally sufficient under the test outlined in Foster v. State, 220 So. 2d 406 (Fla. 3d DCA 1969).

Petition denied.