

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

DEVIN RIVERA,

Appellant,

v.

Case No. 5D14-1272

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 7, 2014

Appeal from the Circuit
Court for Volusia County,
Leah R. Case, Judge.

James S. Purdy, Public Defender, and
George D.E. Burden, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm the summary denial of Devin Rivera's postsentencing motion to withdraw his plea without prejudice to allow him to assert the same or similar issues in a properly pled and timely filed motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. *See Keene v. State*, 8 So. 3d 1278 (Fla. 5th DCA 2009).

AFFIRMED.

EVANDER, WALLIS and LAMBERT, JJ., concur.