

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

JANUARY TERM 2013

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

JOSHUA WAYNE ANDERSON,

Appellant,

v.

Case No. 5D12-1970

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed June 28, 2013

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and
Kathryn Rollison Radtke, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Joshua Wayne Anderson seeks review of an order denying his motion to withdraw his plea. Anderson's motion to withdraw his plea was untimely because it was filed more than thirty days after the rendition of his sentence. See Fla. R. Crim. P. 3.170.

As explained in Gafford v. State, 783 So. 2d 1191 (Fla. 1st DCA 2001), the failure to timely file a motion to withdraw a plea waives appellate review of the issues related to the plea. The defendant must seek relief by filing a timely rule 3.850 motion. We, therefore, affirm the court's order denying Anderson's motion to withdraw his plea without prejudice to raise the voluntariness of his plea in a timely rule 3.850 motion.

AFFIRMED without prejudice.

TORPY, LAWSON, JJ., and JACOBUS, Senior Judge, concur.