

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

FRUTOSO VILLARREAL,

Appellant,

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

v.

CASE NO. 1D04-5640

STATE OF FLORIDA,

Appellee.

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Opinion filed June 7, 2005.

An appeal from the Circuit Court for Gadsden County.  
William L. Gary, Judge.

Appellant, pro se.

Charlie Crist, Attorney General, and Giselle Lylen Rivera, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Having considered the appellant's responses to this Court's orders dated February 15, 2005, and March 22, 2005, we dismiss this appeal for lack of jurisdiction. The Order denying the appellant's Motion for Rehearing, entered on September 21, 2004, is nonappealable. Because the motion for rehearing is not subject to appellate review, this Court is without appellate jurisdiction. See Carter v.

State, 242 So. 2d 737, 737 (Fla. 1st DCA 1970); Fla. R. App. 9.110(b).

DISMISSED.

ERVIN, PADOVANO and THOMAS, JJ., CONCUR.