

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

LORENZO COLE,

Appellant,

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

v.

CASE NO. 1D05-0403

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 12, 2005.

An appeal from the Circuit Court for Duval County.
Peter L. Dearing, Judge.

Appellant, pro se.

Charles J. Crist, Jr., Attorney General, Office of the Attorney General, Tallahassee,
for Appellee.

PER CURIAM.

Having considered the Appellant's response to this Court's order, dated February 28, 2005, we dismiss this appeal for lack of jurisdiction. The notice of appeal filed on January 21, 2005, appeals a non-appealable order, which issued on January 6, 2005, and denied the Appellant's motion for rehearing. 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). To the extent the Appellant argues that he is appealing the underlying order, his motion for rehearing was not timely filed within 15 days of the trial court's order and, thus, did not delay rendition of the underlying final order. See Fla. R. Crim. P. 3.850(g); Fla. R. App. P. 9.020(h).

DISMISSED.

WOLF, C.J., DAVIS and PADOVANO, JJ., CONCUR.