

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

DOYLE LEE McAFFEE,

Appellant,

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

v.

CASE NO. 1D05-1082

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 26, 2005.

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

Appellant, pro se.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Having considered the appellant's response to this Court's order, dated September 6, 2005, we dismiss this appeal for lack of jurisdiction. The notice of appeal filed on March 4, 2005, is untimely. Because the notice of appeal was filed more than 30 days after rendition of the order and the untimely motion for rehearing

did not delay rendition, this Court is without appellate jurisdiction. See Fla. R. App. 9.110(b); Fla. R. Crim. P. 3.850(g).

ALLEN, WEBSTER and THOMAS, JJ., CONCUR.