

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

EARL ANTHONY JACKSON,
Appellant,

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

v.

CASE NO. 1D12-0331

STATE OF FLORIDA,
Appellee.

Opinion filed June 28, 2012.

An appeal from the Circuit Court for Leon County.
Josefina Tamayo, Judge.

Nancy A. Daniels, Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

DISMISSED. Upon consideration of the appellant's response to the Court's order of February 7, 2012, as well as the record on appeal, the Court has determined that the notice of appeal failed to timely invoke its jurisdiction. Rendition of the appellant's November 14, 2011, judgment and sentence was

delayed by the filing of a motion to correct sentencing error pursuant to Florida Rule of Criminal Procedure 3.800(b)(1). See Fla. R. App. P. 9.020(h). However, the notice of appeal was filed more than 30 days after rendition of the order denying that motion. Thus, the notice of appeal is untimely, see Florida Rule of Appellate Procedure 9.110(b), and the appeal is accordingly dismissed. The dismissal is without prejudice to the appellant's right to seek a belated appeal pursuant to Florida Rule of Appellate Procedure 9.141(c).

VAN NORTWICK, ROBERTS, and MARSTILLER, JJ., CONCUR.