

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

ROBERT J. RUCKER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-3269

[October 12, 2005]

PER CURIAM.

Appellant Robert Rucker appeals a trial court order which summarily denied his motion for post conviction relief filed April 1, 2005, as facially insufficient and without prejudice to his right to file a timely, facially sufficient motion. We observe that this order was dated July 13, 2005, but not rendered until July 28, 2005. Appellant filed amended pleadings on July 18, 2005, but they were not before the trial court when it ruled in the order dated July 13, 2005. As that is the only trial court order on appeal, we affirm without prejudice to appellant's right to have his amended pleadings considered by the trial court, including his addition of a claim of ineffective assistance of trial counsel.

WARNER, FARMER and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Larry Schack, Judge; L.T. Case No. 02-760 CFA.

Robert J. Rucker, Lake City, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.