

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

MARVIN DOUZE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3347

[January 10, 2007]

PER CURIAM.

Through counsel appellant filed a motion to vacate his plea pursuant to Florida Rule of Criminal Procedure 3.170(l), but the motion was clearly untimely. The trial court denied the motion. We affirm, but our affirmance is without prejudice to appellant filing a sworn motion for postconviction relief in conformance with the requirements of Florida Rule of Criminal Procedure 3.850, raising the involuntariness issue counsel raised in the motion to vacate. Appellant shall have thirty days from the rendition of this opinion, or shall have the time remaining under Rule 3.850, to file a proper, sworn motion for postconviction relief.

STONE, WARNER and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case Nos. 02-3374 CF10A, 02-6753 CF10A, 03-2178 CF10A & 03-11286 CF10A.

Sidney Z. Fleischman of Fleischman & Fleischman, P.A., Fort Lauderdale, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.