

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

EDGAR MARTINEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3910

[May 16, 2007]

PER CURIAM.

Edgar Martinez appeals the denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.800. In addition to seeking a reduction and modification of his sentence, Martinez attempted to assert a claim of ineffective assistance of counsel. He alleged that his guilty plea was entered upon his attorney's misadvice concerning the consequences of entering his plea. According to Martinez, he did not receive the guidelines sentence within the lower guidelines range that he was promised.

Although we affirm the order of summary denial because of technical deficiencies in the motion, we do so without prejudice to Martinez filing a new motion that states a legally sufficient basis for relief under rule 3.850. The amended motion shall be filed no later than thirty days after the issuance of this court's mandate and shall be limited to the allegation of ineffective assistance of trial counsel identified in this opinion.

WARNER, FARMER and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael G. Kaplan, Judge; L.T. Case No. 02-1094 CF10A.

Edgar Martinez, Malone, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing