

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

THOMAS SEEBER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1624

[May 23, 2007]

PER CURIAM.

Appellant filed, without reference to Florida Rule of Criminal Procedure 3.800(c), a motion simply titled "Motion to Modify Sentence." The trial court treated the motion as a rule 3.800(c) motion and, after the sixty-day jurisdictional window expired, denied the motion for lack of jurisdiction. We dismiss the appeal as a non-appealable order. *See State v. Woodard*, 866 So. 2d 120 (Fla. 4th DCA 2004); *Grosse v. State*, 511 So. 2d 688 (Fla. 4th DCA 1987), *rev. denied*, 519 So. 2d 987 (Fla. 1988).

GUNTHER, HAZOURI and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(c) motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 05-1868.

Arthur B. Brandt of Brandt & Gufford, Stuart, for appellant.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing