

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

RICARDO LANE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-2092

[July 5, 2007]

PER CURIAM.

The lower court properly denied appellant's rule 3.800(a) motion by applying the "could-have-been-imposed" harmless error test. *Brooks v. State*, 930 So. 2d 835 (Fla. 4th DCA 2006) (en banc), *review granted*, 948 So. 2d 758 (Fla. 2007). As we did in *Ghanem v. State*, 947 So. 2d 1252 (Fla. 4th DCA 2007), we affirm without prejudice to appellant seeking relief in the lower court pursuant to rule 3.850, within the time remaining under that rule. *Id.* at 1253 (citing *Greenwood v. State*, 802 So. 2d 401 (Fla. 4th DCA 2001)).

FARMER, STEVENSON and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey R. Levenson, Judge; L.T. Case No. 06-7349 CF10A.

Ricardo Lane, Arcadia, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.