

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

**PERNELL ANDERSON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-826

[April 11, 2007]

PER CURIAM.

We dismiss the appeal from the denial on the merits of a motion filed pursuant to Florida Rule of Criminal Procedure 3.800(c) as a non-appealable order. *See Howard v. State*, 914 So. 2d 455 (Fla. 4th DCA 2005); *Oser v. State*, 699 So. 2d 844 (Fla. 4th DCA 1997).

We encourage the trial court to remove the routine language in its order stating that the defendant has the right to appeal this denial of a rule 3.800(c) motion. This language is incorrect. There is no right to appeal a denial of a rule 3.800(c) motion. *See Howard*.

STEVENSON, C.J., WARNER and POLEN, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800(c) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case Nos. 04-13089 CF10A, 04-13090 CF10A, 04-17577 CF10A, 04-17579 CF10A & 05-9506 CF10B.

Pernell Anderson, Madison, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***