

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

MARSHALL LANDEVERDE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-1054

[May 14, 2008]

PER CURIAM.

We affirm the trial court's order that denied Landeverde's motion. We agree with the second district that *Spera v. State*, 971 So.2d 754 (Fla. 2007) does not apply retroactively. See *Davis v. State*, 33 Fla. L. Weekly D604 (Fla. 2d DCA Feb. 27, 2008).

POLEN, HAZOURI and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Sherwood Bauer, Jr., Judge; L.T. Case No. 431998CF000454A.

Marshall Landeverde, Crawfordville, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing