

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

**GREGORY MICKENS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-2133

[ July 2, 2008 ]

PER CURIAM.

Gregory Mickens pled guilty to possession of cocaine, resisting an officer with violence, and possession of marijuana. Pursuant to a negotiated plea agreement, he was adjudicated guilty and sentenced to twenty months in prison with credit for time served. He did not appeal the sentence, but now appeals the trial court's order denying his Rule 3.800(c) motion for reduction or modification of the sentence imposed pursuant to a negotiated plea agreement. He seeks reduction or modification of his sentence based on a recent United States Supreme Court decision scrutinizing the sentencing discrepancy between crack cocaine and powder cocaine offenses under the federal sentencing guidelines and holding that federal district courts can deviate from those guidelines in appropriate circumstances. *See Kimbrough v. United States*, 128 S. Ct. 558, 169 L. Ed. 2d 481 (2007).

Because trial court orders denying rule 3.800(c) motions to mitigate are not appealable, we dismiss this appeal. *See Williams v. State*, 944 So. 2d 549 (Fla. 3d DCA 2006) and *Luskin v. State*, 717 So. 2d 1076 (Fla. 4th DCA 1998).

POLEN, TAYLOR and HAZOURI, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 2007CF004020AXX.

Gregory Mickens, Arcadia, pro se.

No appearance required for appellee.

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