

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

JOSE LABOY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-2346

[August 20, 2008]

PER CURIAM.

The dismissal of appellant's rule 3.170(l) motion as untimely is affirmed without prejudice for appellant to file a motion pursuant to Florida Rule of Criminal Procedure 3.850. *See Douze v. State*, 945 So. 2d 653 (Fla. 4th DCA 2007); *Murray v. State*, 909 So. 2d 998 (Fla. 2d DCA 2005); *Weidner v. State*, 767 So. 2d 604 (Fla. 4th DCA 2000).

FARMER, TAYLOR and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case No. 07-19711 CF10A.

Jose Laboy, Belle Glade, pro se.

No response required for appellee.

Not final until disposition of timely filed motion for rehearing.