

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2010

MICHAEL NASIFF,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-2999

[September 1, 2010]

PER CURIAM.

This is a direct appeal of a conviction for robbery based on a claim of ineffective assistance of counsel. We affirm without prejudice to file a proper motion under Florida Rule of Criminal Procedure 3.850. In so doing, we make no finding with respect to the merits of appellant's claim; rather, we conclude that appellant's claim is not apparent on the face of the record. *See Kidd v. State*, 978 So. 2d 868 (Fla. 4th DCA 2008).

Affirmed.

HAZOURI, GERBER, JJ., and KELLEY, GLENN D., Associate Judge, concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Mily Rodriguez-Powell, Judge; L.T. Case No. 07-11316 CF10A.

Carey Haughwout, Public Defender, and Narine Austin, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Katherine Y. McIntire, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.