NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JEFFREY THOMPSON,)
Appellant,))
V	Case No. 2D13-3766
STATE OF FLORIDA,))
Appellee.)))

Opinion filed July 18, 2014.

Appeal from the Circuit Court for Pasco County; William R. Webb, Judge.

Howard L. Dimmig, II, Public Defender, and Cynthia J. Dodge, Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Peter Koclanes, Assistant Attorney General, Tampa, for Appellee.

KHOUZAM, Judge.

Jeffrey Thompson appeals his judgment and sentence for possession of oxycodone following a guilty plea, arguing that the trial court erred by accepting his plea without first inquiring about a possible complete defense Thompson raised during the plea hearing. But because the record does not reflect that Thompson filed any motion

to withdraw his plea, this claim is unpreserved for appeal. <u>See Jones v. State</u>, 708 So. 2d 337, 338 (Fla. 4th DCA 1998). Our affirmance is without prejudice to any right Thompson may have to address the issue via a timely filed motion for postconviction relief.

Affirmed.

BLACK, J., and BAUMANN, HERBERT J., JR., ASSOCIATE JUDGE, Concur.