

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SAMMY THORNTON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

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Case No. 2D14-5297

Opinion filed May 8, 2015.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Polk County; Roger A. Alcott, Judge.

Sammy Thornton, pro se.

LUCAS, Judge.

The post conviction court denied Sammy Thornton's untimely motion for extension of time to file an amended motion under Florida Rule of Criminal Procedure 3.850 and then summarily denied the untimely filed amended motion. We find no abuse of discretion on the part of the postconviction court and accordingly affirm. See Fla. R. Crim. P. 3.850(f)(2) ("[I]f the defendant fails to file an amended motion within the time allowed for such amendment, the court, in its discretion, may permit the defendant an

additional opportunity to amend the motion or may enter a final, appealable order summarily denying the motion with prejudice.").

Affirmed.

CASANUEVA and MORRIS, JJ., Concur.