

Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed July 20, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D09-1048

Lower Tribunal Nos. 93-22286-A; 93-22937-A;
93-22944-A; 93-29929-A;
93-31339; 93-31342-A

Joseph C. Dell,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Marisa Tinkler-Mendez, Judge.

Carlos Martinez, Public Defender, and Andrew Stanton, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Nikole Hiciano, Assistant Attorney General, for appellee.

Before WELLS, C.J., and SHEPHERD and EMAS, JJ.

PER CURIAM.

This an appeal taken by the defendant, Joseph Dell, from an order of the trial court denying his motion for post-conviction relief filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Upon review, we affirm the order of the trial court, but without prejudice to Dell to seek relief, in the first instance, from the trial court pursuant to the recent decision of the United States Supreme Court in Graham v. Florida, 130 S.Ct. 2011 (2010), if appropriate. We express no opinion on the merits of such a motion.