

Third District Court of Appeal

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

Opinion filed November 9, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-2408
Lower Tribunal Nos. 09-10879; 10-22052

Nikki Martinez,
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, Beth Bloom, Judge.

Nikki Martinez, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

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

PER CURIAM.

Nikki Martinez appeals the denial of his motion to mitigate his sentence under Florida Rule of Criminal Procedure 3.800(c), titled Motion for Modification of Sentence under Rule 3.800, which sought to reduce his two-year prison sentence to 364 days in county jail, followed by probation. A trial court's denial of a motion to mitigate a sentence under Rule 3.800(c) is not appealable. See Concepcion v. State, 8 So. 3d 1223, 1223 (Fla. 3d DCA 2009). Accordingly, we dismiss the appeal.

Appeal dismissed.