

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

ERNEST GREGORY PATE,

Appellant,

v.

Case No. 5D19-2258

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 7, 2019

3.850 Appeal from the Circuit Court
for Marion County,
R. Gregg Jerald, Judge.

Ernest Gregory Pate, Bowling Green, pro
se.

Ashley Moody, Attorney General,
Tallahassee, and Deborah A. Chance,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Ernest Gregory Pate appeals the dismissal of his amended motion for postconviction relief. The trial court dismissed Pate's motion because it was not made under oath as required by Florida Rule of Criminal Procedure 3.850(c). We affirm the

dismissal without prejudice to Pate filing a timely amended postconviction motion that comports with the rule's oath requirement.

AFFIRMED.

ORFINGER and HARRIS, JJ., and JACOBUS, B.W., Senior Judge concur.