

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

JULY TERM 2003

BENJAMIN ESTEVES,

Appellant,

v.

CASE NO. 5D03-2070

STATE OF FLORIDA,

Appellee.

Opinion filed July 18, 2003

3.850 Appeal from the Circuit Court
for Orange County,
Reginald Whitehead, Judge.

Benjamin Esteves, Polk City, Pro Se.

No Appearance for Appellee.

PER CURIAM.

We affirm the trial court's order dismissing Appellant's unsworn, unsigned motion for postconviction relief. Such dismissal is without prejudice to refile a properly executed motion under oath within the time constraints of Florida Rule of Criminal Procedure 3.850(b).

AFFIRMED.

PETERSON, ORFINGER and TORPY, JJ., concur.