

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

JULY TERM 2004

DAVID WEST,

Appellant,

v.

Case No. 5D03-4107

STATE OF FLORIDA,

Appellee.

Opinion filed December 10, 2004

Appeal from the Circuit Court
for Volusia County,
William A. Parsons, Judge.

James B. Gibson, Public Defender, and
Noel A. Pelella, Assistant Public Defender,
Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Ann M. Phillips and
Elizabeth C. King, Assistants Attorney
General, Daytona Beach, for Appellee.

PLEUS, J.

West appeals his judgment and sentence for failure to register as a sex offender. He argues that the trial court erred by allowing him to plead to this charge when it was undisputed that he lacked knowledge that he was required to register.

The State correctly argues that West failed to preserve this argument because he did not reserve the right to appeal a legally dispositive issue upon entering his nolo

contendere plea. §§ 924.051(4), 924.06(3), Fla. Stat. (2003); Fla. R. App. P. 9.140(b)(2). Accordingly, we affirm. *Leonard v. State*, 760 So. 2d 114, 119 (Fla. 2000). Our affirmance is without prejudice to allow West to seek postconviction relief.

AFFIRMED.

SAWAYA, C.J., and SHARP, W., J., concur.