

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

JULY TERM 2004

CLIFFORD HOPKINS,

Appellant,

v.

CASE NO. 5D04-3084

STATE OF FLORIDA,

Appellee.

Opinion filed October 15, 2004

3.850 Appeal from the Circuit Court
for Orange County,
Anthony Johnson, Judge.

Clifford Hopkins, South Bay, Pro se.

No appearance for Appellee.

PER CURIAM.

Clifford Hopkins appeals the order of the trial court summarily denying his Rule 3.850 motion. We affirm for two reasons. First, his Rule 3.850 motion concerning his criminal case that became final in 1996, is untimely. Second, his motion is successive. This court addressed the same essential issue raised here in its opinion growing out of an appeal from an order denying an earlier Rule 3.850 motion. *See Hopkins v. State*, 743 So.2d 171 (Fla. 5th DCA 1999).

AFFIRMED.

SAWAYA, C.J., MONACO and TORPY, JJ., concur.