

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

JANUARY TERM 2004

THOMAS DESPART,

Appellant,

v.

CASE NO. 5D04-731

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 30, 2004

3.800 Appeal from the Circuit Court
for Volusia County,
Joseph G. Will, Judge.

James B. Gibson, Public Defender, and
Nancy Ryan, Assistant Public Defender,
Daytona Beach, for Appellant.

Thomas Despart, Arcadia, *pro se*.

No Appearance for Appellee.

SHARP, W., J.

Despart appeals from the summary denial of his motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a) to correct an illegal sentence. Because his appeal is untimely, we dismiss without prejudice to Despart to file a petition for a belated appeal. *See Proctor v. State*, 845 So. 2d 1007 (Fla. 5th DCA 2003).

DISMISSED.

PETERSON and ORFINGER, JJ., concur.