

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

JULY TERM 2006

MARY PATRICIA MARTIN,

Appellant,

v.

Case No. 5D06-2584

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 6, 2006

3.850 Appeal from the Circuit
Court for Seminole County,
O. H. Eaton, Judge.

Mary P. Martin, Brooksville, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

We affirm the trial court's denial of the motion for post-conviction relief pursuant to rule 3.850 because the motion was brought more than two years after appellant's judgment and sentence became final. The filing of an unsuccessful petition for belated appeal does not toll the rendition of a judgment and sentence for purposes of calculating the two-year window. See *Jones v. State*, 922 So. 2d 1088 (Fla. 4th DCA 2006).

AFFIRMED

PALMER, MONACO and LAWSON, JJ., concur.