

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

WILLIE HARRIS,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-1193

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 25, 2004.

An appeal from the Circuit Court for Wakulla County.
N. Sanders Sauls, Judge.

Nancy A. Daniels, Public Defender, and Edgar Lee Elzie, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We dismiss this appeal for lack of jurisdiction. The motion for modification of sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(c), is addressed to the discretion of the trial court. Therefore, this Court has no jurisdiction to review the correctness of the trial court's disposition of the motion. Daniels v. State, 568 So. 2d 63 (Fla. 1st DCA 1990).

In light of the above, this Court's order issued on September 14, 2004, is withdrawn, and both of the appellant's motions for extension of time are denied as moot.

DISMISSED.

DAVIS, BROWNING and HAWKES, JJ., CONCUR.