

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

DERRICK L. CUMMINGS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-2990

Opinion filed August 31, 2004.

An appeal from an order of the Circuit Court for Duval County.
Peter L. Dearing, Judge.

Derrick L. Cummings, pro se, appellant.

Charlie Crist, Attorney General, Tallahassee, for appellee.

PER CURIAM.

Because the notice of appeal was not timely filed, this appeal is dismissed for lack of jurisdiction. See Griffis v. State, 593 So. 2d 308 (Fla. 1st DCA 1992)(holding

that there is no authority for a motion for rehearing of an order disposing of a rule 3.800 motion to correct illegal sentence and, therefore, the motion for rehearing did not postpone rendition of the order so as to make the notice of appeal timely).

WOLF, C.J., ERVIN and LEWIS, JJ., concur.