

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

JOHN BEATTY,

Appellant,

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

v.

CASE NO. 1D04-4301

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 15, 2004.

An appeal from the Circuit Court for Alachua County.
Larry G. Turner, Judge.

Appellant, pro se.

Charlie Crist, Attorney General, and Charlie McCoy, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of October 14, 2004, the Court has determined that the notice of appeal was not timely filed. Thus, the Court lacks jurisdiction to review the order on appeal. Accordingly, the appeal is hereby dismissed.

DISMISSED.

BOOTH, VAN NORTWICK and PADOVANO, JJ., CONCUR.