

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

JIMMY PLATT,  
Petitioner,

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

v.

CASE NO. 1D04-4383

STATE OF FLORIDA,  
Respondent.

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Opinion filed December 30, 2004.

Petition for Writ of Certiorari - Original Jurisdiction.

Petitioner, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, for Respondent.

PER CURIAM.

Petitioner filed a motion to modify his sentence in the trial court pursuant to Florida Rule of Criminal Procedure 3.800. The trial court denied the motion as untimely. We treat the petitioner's notice of appeal as a petition for certiorari and deny the petition. See Davis v. State, 745 So. 2d 499 (Fla. 1st DCA 1999).

BOOTH, BENTON and LEWIS, JJ., CONCUR.