

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

JOHNNIE WINBUSH,

Appellant,

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

v.

CASE NO. 1D05-2079

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 5, 2005.

An appeal from the Circuit Court for Gadsden County.
William L. Gary, Judge.

Appellant, pro se.

Charlie Crist, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Having considered the appellant's response to this Court's order, dated May 12, 2005, we dismiss this appeal for lack of jurisdiction. The notice of appeal filed on April 8, 2005, appealing the Order on the appellant's postconviction motion, entered on March 4, 2005, is untimely. Because the notice of appeal was filed more than 30 days after rendition of the order and the untimely motion for rehearing did not delay

rendition, this Court is without appellate jurisdiction. See Fla. R. App.9.110(b); Fla. R. Crim. P. 3.850(g).

ALLEN, WOLF and BENTON, JJ., CONCUR.