

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

CARLO WOODSON,

Appellant,

v.

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

CASE NO. 1D12-5343

MICHAEL D. CREWS,
SECRETARY, FLORIDA
DEPARTMENT OF
CORRECTIONS,

Appellee.

Opinion filed January 24, 2013.

An appeal from an order of the Circuit Court for Franklin County.
Angela C. Dempsey, Judge.

Carlo Woodson, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Jennifer Parker, General Counsel, Florida
Department of Corrections, Tallahassee (no appearance), for Appellee.

PER CURIAM.

Upon consideration of appellant's response to the Court's order of
December 6, 2012, the Court has determined that the appeal is untimely. Although

the lower tribunal granted appellant's motion for rehearing in part, apparently treating it as timely filed, it was without authority to do so. Fla. R. Civ. P. 1.090(b). Consequently, appellant's untimely motion for rehearing failed to delay rendition of the underlying order pursuant to Florida Rule of Appellate Procedure 9.020(h). As a result, the notice of appeal, which was filed more than 30 days after rendition of the final order, failed to timely invoke the Court's jurisdiction. Accordingly, the appeal is dismissed for lack of jurisdiction.

PADOVANO, ROWE, and RAY, JJ., CONCUR.