

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

MICHAEL EUGENE WINGATE,

Appellant,

v.

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

CASE NO. 1D13-0855

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed November 15, 2013.

An appeal from an order of the Escambia County Circuit Court.  
Linda L. Nobles, Judge.

Glenn M. Swiatek, Shalimar, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Because the February 6, 2013, notice of appeal was filed more than 30 days after rendition of the December 5, 2012, judgment and sentence, this appeal is hereby dismissed as untimely. See Fla. R. App. P. 9.140(b)(3). This disposition is without prejudice to counsel filing a motion to reinstate the appeal in case number 1D12-6070.

BENTON, PADOVANO, and RAY, JJ., CONCUR.