

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOSE FREIRE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D16-1434

[August 31, 2016]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Dennis D. Bailey, Judge; L.T. Case No. 09-009362CF10A.

Steven E. Amster, Miami, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Allen R. Geesey, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed. Our affirmance is without prejudice to appellant filing a facially sufficient motion within thirty days of this opinion, but only if he can do so in good faith. *See Oquendo v. State*, 2 So. 3d 1001, 1005 (Fla. 4th DCA 2008) (citing *Spera v. State*, 971 So. 2d 754, 762 (Fla. 2007)); *see also* Fla. R. Crim. P. 3.850(f).

GROSS, MAY and GERBER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.