

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

MICHAEL S. SMITH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-2435

[November 29, 2006]

PER CURIAM.

We affirm, but without prejudice to appellant filing an amended motion that includes the oath required by Florida Rule of Criminal Procedure 3.850(c). Filing must be accomplished within thirty days of the date of this opinion to be considered timely.

POLEN, FARMER and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 97-25059 CF10A.

Michael S. Smith, South Bay, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.