

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

EMMANUEL MORELAND,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3854

[December 6, 2006]

PER CURIAM.

Affirmed, without prejudice to appellant's right to seek relief in a properly and timely filed motion for post conviction relief pursuant to Florida Rule of Criminal Procedure 3.850. *See Covell v. State*, 891 So.2d 1132 (Fla. 4th DCA 2005); *Campbell v. State*, 718 So.2d 886 (Fla. 4th DCA 1998). Conflict is certified with *Fitzpatrick v. State*, 863 So.2d 462 (Fla. 1st DCA 2004), and *Berthiaume v. State*, 864 So.2d 1257 (Fla. 5th DCA 2004).

POLEN, KLEIN and SHAHOOD, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 05-6036 CFA02.

Emmanuel Moreland, Jasper, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.