

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

HAROLD W. MORIAN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-1979

[July 29, 2009]

DAMOORGIAN, J.

Affirmed without prejudice to Morian to file a motion to withdraw his plea for ineffective assistance of counsel pursuant to Florida Rule of Criminal Procedure 3.850.

GROSS, C.J., and GERBER, J., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 312007CF000924AXXX.

Carey Haughwout, Public Defender, and David John McPherrin, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.