

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2008*

**GUSTAVO VENTA,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-3367

[October 29, 2008]

PER CURIAM.

Affirmed. This court's affirmance is without prejudice to appellant's re-filing with the trial court, within thirty (30) days after the date of this opinion, his motion for post-conviction relief with a proper oath. Our review of the file reveals two motions filed on the same date. The first motion, though it contains the permitted alternative oath, fails to include any argument. It simply states an issue. The second motion, with the argument, does not include an oath. The first motion does not incorporate the second by reference. *Clemmons v. State*, 959 So. 2d 825 (Fla. 4th DCA 2007); *Daniels v. State*, 450 So. 2d 601 (Fla. 4th DCA 1984).

*Affirmed.*

SHAHOOD, C.J., POLEN and TAYLOR, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 1991CF006920AXXMB.

Gustavo Venta, Coleman, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***