

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

ABRAHAM BEN YISRAEL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-804

[February 23, 2011]

PER CURIAM.

We affirm the trial court's order that denied appellant's Motion for Dismissal/New Trial. However, this court's affirmance is without prejudice to appellant raising the *Brady*¹ issue within a properly sworn Florida Rule of Criminal Procedure 3.850 motion to be filed within thirty days of this decision. See Fla. R. Crim. Pro. 3.987.

HAZOURI, CIKLIN and GERBER, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 01-6729CF10A.

Abraham Ben Yisrael, Okeechobee, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.

¹ *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).