

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

KENNETH HAROLD McCOY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-1338

[July 11, 2012]

PER CURIAM.

Affirmed. See *Brooks v. State*, 969 So. 2d 238 (Fla. 2007). As to appellant's request on appeal to assert new claims, *Spera v. State*, 971 So. 2d 754, 761 (Fla. 2007), permits the amendment of claims where the trial court finds them legally insufficient. Here, the court did not find appellant's one claim legally insufficient. *Spera* does not apply to permit the assertion of new, and now untimely, claims. Fla. R. Crim. P. 3.850(b).

WARNER, POLEN and GROSS, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case No. 07-2440 CF10A.

Kenneth Harold McCoy, East Palatka, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.