

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|-------------------|---|--------------------|
| CHARLES LEWEY, |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | Case No. 2D01-2854 |
| |) | |
| STATE OF FLORIDA, |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed August 28, 2002.

Appeal from the Circuit Court for Sarasota
County; Nancy K. Donnellan, Judge.

James Marion Moorman, Public Defender,
and Wendy E. Friedberg, Special Assistant
Public Defender, Bartow, for Appellant.

Robert A. Butterworth, Attorney General,
Tallahassee, and Robert J. Krauss, Senior
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

We affirm without prejudice to Charles Lewey's rights, if any, to file a
motion pursuant to Florida Rule of Criminal Procedure 3.850.

FULMER, NORTHCUTT, and STRINGER, JJ., Concur.