

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

NEIL LENWOOD FERRELL,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D02-3080
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed September 4, 2002.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court  
for Hillsborough County;  
Jack Espinosa, Jr., Judge.

KELLY, Judge.

Neil Lenwood Ferrell appeals from an order dismissing his motion and amended motion for postconviction relief brought pursuant to Florida Rule of Criminal Procedure 3.850. The trial court correctly found that Ferrell's motions were not properly sworn. See State v. Shearer, 628 So. 2d 1102 (Fla. 1993). Accordingly, we affirm the

trial court's order but do so without prejudice to Ferrell's refiling of the motion with the proper oath.

DAVIS and COVINGTON, JJ., Concur.