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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DARYL DELEON RICE,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D03-5473
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
	)	
_____	)	

Opinion filed August 19, 2005.

Appeal from the Circuit Court for
Lee County; Thomas S. Reese, Judge.

James Marion Moorman, Public Defender,
and Tosha Cohen, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Anne Sheer Weiner, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed without prejudice to file a facially sufficient claim under Florida Rule of Criminal Procedure 3.850 within sixty days of this court's mandate.

FULMER, C.J., and SALCINES and SILBERMAN, JJ., Concur.