

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ELMON WELCH, a/k/a ELMER WATTS,)
)
Appellant,)
)
v.)
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STATE OF FLORIDA,)
)
Appellee.)
_____)

Case Nos. 2D04-5542
2D04-5543
2D04-5544
2D04-5545
2D04-5546
2D04-5547
2D04-5548

CONSOLIDATED

Opinion filed February 1, 2006.

Appeal from the Circuit Court for
Hillsborough County; Anthony K. Black,
Judge.

James Marion Moorman, Public Defender,
and Clark E. Green, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Richard M. Fishkin,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

We affirm Elmon Welch's judgments and sentences in these seven consolidated cases. We note that Mr. Welch filed a pro se document with the circuit court entitled "Mitigating Circumstances to Go Along With Appeal" at approximately the same time his trial counsel filed a notice of appeal. This court and the circuit court treated Mr. Welch's filing as a duplicative notice of appeal. The document has not been treated by the circuit court as a motion to modify Mr. Welch's sentences. If Mr. Welch wishes to file a motion to modify his sentence pursuant to Florida Rule of Appellate Procedure 3.800(c), his prior pro se filing should not have any preclusive effect on such a motion.

Affirmed.

ALTENBERND, NORTHCUTT, and VILLANTI, JJ., Concur.