

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROBERT A. KENDRICKS, SR.,)	
)	
Appellant,)	
)	
v.)	Case No. 2D04-95
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed July 14, 2004.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for Pasco
County; Daniel D. Diskey, Judge.

CASANUEVA, Judge.

We affirm without prejudice to Kendricks' right to refile his motion for postconviction relief with proper oath. Since it appears that the two-year time limit for Kendricks to file a motion pursuant to Florida Rule of Criminal Procedure 3.850 has expired, Kendricks shall have thirty days from the date of the mandate following this

opinion to file a corrected motion and memorandum of law. See Pavey v. State, 720 So. 2d 563 (Fla. 2d DCA 1998).

Affirmed without prejudice.

FULMER and STRINGER, JJ., Concur.