

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JORGE ORTEGA-LOZANO,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-1275
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
)	
_____)	

Opinion filed February 17, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Rex Martin Barbas,
Judge.

PER CURIAM.

Jorge Ortega-Lozano challenges the trial court's order summarily denying, as untimely, his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Although we conclude that Ortega-Lozano's motion was timely filed, see Chagoya v. State, 817 So. 2d 1039 (Fla. 2d DCA 2002), we affirm the denial order because Ortega-Lozano cannot demonstrate prejudice.

See Pena v. State, 837 So. 2d 495 (Fla. 1st DCA 2003); Prieto v. State, 824 So. 2d 924 (Fla. 3d DCA 2002).

Affirmed.

CASANUEVA, SALCINES, and VILLANTI, JJ., Concur.