

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

EDDIE CARGILE,)	
)	
Appellant,)	
)	
v.)	Case No. 2D06-2455
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
)	
_____)	

Opinion filed September 29, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Chet A. Tharpe,
Judge.

PER CURIAM.

Affirmed. Our affirmance is without prejudice to whatever right Mr. Cargile
may have to file a facially sufficient motion pursuant to Florida Rule of Criminal
Procedure 3.853. See Hitchcock v. State, 866 So. 2d 23 (Fla. 2004).

CASANUEVA, STRINGER, and VILLANTI, JJ., Concur.