

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MARCUS ANTONIO SOTO,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D07-4621

Opinion filed November 25, 2009.

Appeal from the Circuit Court for
Hillsborough County; Emmett Lamar
Battles, Judge.

James Marion Moorman, Public Defender,
and James C. Banks, Special Assistant
Public Defender, Bartow, for Appellant.

Marcus Antonio Soto, pro se.

Bill McCollum, Attorney General, Tallahassee,
and Richard M. Fishkin, Assistant
Attorney General, Tampa, for Appellee.

VILLANTI, Judge.

Affirmed without prejudice to any right Marcus Antonio Soto may have to
file a motion for postconviction relief pursuant to Florida Rule of Criminal Procedure
3.850 raising the grounds he has argued in his pro se brief.

NORTHCUTT and KHOUZAM, JJ., Concur.