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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MARVIN R. LACY,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D08-2037
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed September 18, 2009.

Appeal from the Circuit Court for
Hillsborough County; Robert A. Foster, Jr.,
Judge.

James Marion Moorman, Public Defender,
and Julius J. Aulisio, Assistant Public
Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Jonathan P. Hurley,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Affirmed without prejudice to any right Mr. Lacy may have to file an appropriate postconviction motion.

WALLACE, KHOUZAM, and MORRIS, JJ., Concur.