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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSHUA L. BUTLER,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D08-4071
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed April 24, 2009.

Appeal from the Circuit Court for
Hillsborough County; Daniel Lee Perry,
Judge.

James Marion Moorman, Public Defender,
and Bruce P. Taylor, Assistant Public
Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Sonya Roebuck Horbelt,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

We affirm the order modifying Joshua L. Butler's probation for delivery of cocaine without prejudice to any right Butler may have to file a postconviction motion pursuant to Florida Rule of Criminal Procedure 3.850.

ALTENBERND, DAVIS, and SILBERMAN, JJ., Concur.