

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JERRY L. SHEPPARD,)

Appellant,)

v.)

STATE OF FLORIDA,)

Appellee.)

Case No. 2D08-4771

Opinion filed February 12, 2010.

Appeal from the Circuit Court for Sarasota
County; Charles E. Roberts, Judge.

James Marion Moorman, Public Defender,
and Robert Augustus Harper, III, Special
Assistant Public Defender, Bartow, for
Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Joseph H. Lee, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed without prejudice to any right that Sheppard may have to file an
appropriate motion for postconviction relief.

ALTENBERND, VILLANTI, and WALLACE, JJ., Concur.