

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID GONZALEZ,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D08-653

Opinion filed March 6, 2009.

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

Frank De La Grana of Frank De La
Grana, P.A., Tampa, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Susan M. Shanahan,
Assistant Attorney General, Tampa,
for Appellee.

PER CURIAM.

We dismiss David Gonzalez's appeal without prejudice to his filing a
facially sufficient motion for postconviction relief under Florida Rule of Criminal
Procedure 3.850. See Ashley v. State, 611 So. 2d 617 (Fla. 2d DCA 1993).

Dismissed.

NORTHCUTT, C.J., and KELLY and CRENSHAW, JJ., Concur.