

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

EDWIN WAGNER,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D09-2989
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed June 24, 2011.

Appeal from the Circuit Court for Pinellas  
County, Joseph A. Bulone, Judge.

James Marion Moorman, Public Defender,  
and Judith Ellis, Assistant Public Defender,  
Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Katherine Coombs Cline,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

We affirm without prejudice to Edwin Wagner's right, if any, to file a timely  
motion pursuant to Florida Rule of Criminal Procedure 3.850.

NORTHCUTT, DAVIS, and SILBERMAN, JJ., Concur.