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

	IN THE DISTRICT COURT OF APPEAL
	OF FLORIDA
	SECOND DISTRICT
HOWELL M. RAMSEY, Appellant,)))
V.) Case No. 2D10-320
STATE OF FLORIDA,)
Appellee.))
	/

Opinion filed December 10, 2010.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Hillsborough County; D. Michelle Sisco and Robert A. Foster, Jr., Judges.

Howell M. Ramsey, pro se.

Bill McCollum, Attorney General, Tallahassee, and Cerese Crawford Taylor, Assistant Attorney General, Tampa, for Appellee.

MORRIS, Judge.

Howell M. Ramsey appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. He contends that the postconviction court erred in denying his motion for rehearing as untimely. We agree that the motion for rehearing should have been considered on its

merits because it was filed within fifteen days of the final order disposing of Ramsey's claims. See Fla. R. Crim. P. 3.850(g). However, we have reviewed the merits of the motion for rehearing and conclude that Ramsey would not have been entitled to relief even if the trial court had considered the merits. We affirm the summary denial of Ramsey's rule 3.850 motion without further comment.

Affirmed.

WHATLEY and SILBERMAN, JJ., Concur.