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

## IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

## SECOND DISTRICT

ANDREW SANCHEZ,		)		
Арре	llant,	) )		
V.		)		Cas
STATE OF FLORIDA,		)		
Арре	llee.	)		
		)	)	

Case No. 2D00-1314

Opinion filed November 28, 2001.

Appeal from the Circuit Court for Hillsborough County, Robert J. Simms, Judge.

James Marion Moorman, Public Defender, Bartow, and Kevin Briggs, Assistant Public Defender, Bartow, for Appellant.

Robert A. Butterworth, Attorney General, Tallahassee, and Deborah F. Hogge, Assistant Attorney General, Tampa, for Appellee.

DAVIS, Judge.

Andrew Sanchez challenges the circuit court's denial after a hearing of his

Florida Rule of Criminal Procedure 3.850 motion that alleged prosecutorial misconduct for

comments made during the State's closing argument. He argues that new case law

entitles him to relief. However, because the case law cited by Sanchez does not reflect a new statement of the law, we affirm the trial court's denial of his rule 3.850 motion.

Furthermore, any ineffective assistance of trial counsel claim that Sanchez might have raised in a 3.850 motion under <u>Nahm v. State</u>, 760 So. 2d 253 (Fla. 2d DCA 2000), is now time-barred, unless he can demonstrate his entitlement to a belated 3.850 motion pursuant to <u>Medrano v. State</u>, 748 So. 2d 986 (Fla. 1999).

Affirmed.

BLUE, C.J., and STRINGER, J., Concur.