

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

EDWARD FRONCEK,)	
)	
Petitioner,)	
)	
v.)	Case No. 2D04-2004
)	
STATE OF FLORIDA,)	
)	
Respondent.)	
_____)	

Opinion filed November 5, 2004.

Petition for Writ of Certiorari to the
Circuit Court for Pasco County;
Michael F. Andrews, Judge.

Edward Froncek, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Marilyn Muir Beccue,
Assistant Attorney General, Tampa,
for Respondent.

NORTHCUTT, Judge.

In this certiorari proceeding, Edward Froncek challenges the circuit court's denial of his motion to mitigate sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(c). We deny the petition for writ of certiorari. See Brantley v. Holloway, 685 So. 2d 31 (Fla. 2d DCA 1996). Because Froncek's motion also alluded

to a scoresheet error, our disposition is without prejudice to Froncek's right to raise the issue in a motion filed under Florida Rules of Criminal Procedure 3.800(a) or 3.850.

Petition for certiorari denied.

STRINGER, J., and DANAHY, PAUL W., SENIOR JUDGE, Concur.