

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STANLEY D. COBB,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D04-5608

Opinion filed June 10, 2005.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pinellas County; Richard A. Luce,
Judge.

WHATLEY, Judge.

We affirm the denial of Cobb's motion filed pursuant to Florida Rule of
Criminal Procedure 3.800(a) without prejudice to any right Cobb may have to file a
timely and facially sufficient motion pursuant to rule 3.850. See Cooper v. State, 817
So. 2d 934, 934 (Fla. 3d DCA 2002).

FULMER and KELLY, JJ., Concur.