

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JARRISH OUTLAW,)	
)	
Appellant,)	
)	
v.)	Case No. 2D11-981
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
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Opinion filed September 5, 2012.

Appeal from the Circuit Court for
Hillsborough County; Susan Sexton, Judge.

Melissa A. Loesch of Law Offices of Roger
D. Futerman & Associates, Clearwater, for
Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Dawn A. Tiffin, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

This court is without jurisdiction to consider this appeal due to the untimely
filing of the notice of appeal. See Fla. R. App. P. 9.140; Fla. R. Crim. P. 3.850(h).

Because counsel for Jarrish Outlaw filed the motion for rehearing more than fifteen days
after service of the final order, it did not toll the time for filing the appeal, regardless of

the fact that the postconviction court chose to address that untimely motion for rehearing. See Reid v. Cooper, 955 So. 2d 31, 32 (Fla. 3d DCA 2007) (holding that an untimely motion for rehearing is a nullity and does not toll the time in which to file an appeal).

This dismissal is without prejudice to counsel filing a motion in this case number for a belated appeal, observing all the requirements of Florida Rule of Appellate Procedure 9.141(c), including the submission of an affidavit or sworn pleading by counsel with first-hand knowledge of the facts giving rise to the application for a belated appeal.

Dismissed.

CASANUEVA, WALLACE, and CRENSHAW, JJ., Concur.