

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

GREGORIO RUIZ,)	
)	
Appellant,)	
)	
v.)	Case No. 2D12-1040
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed March 22, 2013.

Appeal from the Circuit Court for Collier
County; Frederick R. Hardt, Judge.

Howard L. Dimmig, II, Public Defender, and
Judith Ellis, Assistant Public Defender,
Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Donna S. Koch, Assistant
Attorney General, Tampa, for Appellee.

SILBERMAN, Chief Judge.

Gregorio Ruiz seeks review of his judgment and sentence for attempted sexual battery and sexual activity with a child by a person in familial or custodial authority which was entered pursuant to a negotiated plea. Although Ruiz filed a timely pro se motion to withdraw plea after sentencing pursuant to Florida Rule of Criminal Procedure 3.170(*l*), the motion is a nullity because it was filed while Ruiz was still

represented by counsel and was devoid of allegations giving rise to an adversarial relationship with counsel. See Sheppard v. State, 17 So. 3d 275, 286 (Fla. 2009).

Because Ruiz has not properly preserved any challenges to his plea, we affirm.

Affirmed.

KELLY and SLEET, JJ., Concur.