

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

KENNETH McDONALD,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D13-653

Opinion filed November 6, 2013.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Debra K. Behnke,
Judge.

Kenneth McDonald, pro se.

SLEET, Judge.

We affirm the postconviction court's order summarily denying Kenneth McDonald's postconviction motion filed pursuant to Florida Rule of Criminal Procedure 3.850 because McDonald's motion was without merit, untimely, and successive. We caution McDonald and others that the holding in Deras v. State, 54 So. 3d 1023 (Fla. 3d DCA 2011), is limited to its facts and does not, in our view, create a manifest injustice exception to the rule 3.850 time bar.

Affirmed.

NORTHCUTT and VILLANTI, JJ., Concur.