

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed August 12, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-2462  
Lower Tribunal Nos. 17-160-A-K, 17-314-A-K, 17-164-A-K

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**Jeffrey Ray Sundwall,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Jeffrey Ray Sundwall, in proper person.

Ashley Moody, Attorney General, and Linda Katz, Assistant Attorney General, for appellee.

Before **SALTER, FERNANDEZ, and HENDON, JJ.**

**HENDON, J.**

Jeffrey Sundwall appeals from the trial court's dismissal of his motion to withdraw his plea pursuant to Florida Rule of Criminal Procedure 3.170(l). The dismissal was without prejudice to allow Sundwall to seek relief through a timely rule 3.850 motion. A review of the record conclusively shows that Sundwall's motion to withdraw his plea was untimely filed. See Fla. R. Crim. P. 3.170(f) and (l). We therefore affirm the trial court's order. See McKnight v. State, 964 So. 2d 803, 804 (Fla. 3d DCA 2007) (holding that failure to file a motion to withdraw the plea within 30 days of sentencing waives the issue for appellate review, and the defendant is limited to filing a motion pursuant to Florida Rule of Criminal Procedure 3.850) (citing Gafford v. State, 783 So. 2d 1191, 1192 (Fla. 1st DCA 2001)).

Affirmed.