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

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A.D. 2002

JERRY NEIL ALFRED, **

Appellant, **

vs. ** CASE NO. 3D01-3112

THE STATE OF FLORIDA, ** LOWER

TRIBUNAL NO. 98-35550

Appellee. **

Opinion filed July 17, 2002.

An Appeal from the Circuit Court for Miami-Dade County, Ronald C. Dresnick, Judge.

Bennett H. Brummer, Public Defender, and Manuel Alvarez, Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Steven R. Parrish, Assistant Attorney General, for appellee.

Before GERSTEN, SHEVIN and SORONDO, JJ.

PER CURIAM.

Jerry Alfred appeals his conviction and sentence asserting ineffectiveness of trial counsel. We affirm without prejudice to pursue that claim in a post-conviction motion filed pursuant to Florida Rule of Criminal Procedure 3.850.

Affirmed.