

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. 2001

ROBERT JAMES BUTLER,
Appellant,
vs.
THE STATE OF FLORIDA,
Appellee.

**
** CASE NO. 3D01-3153
** LOWER
** TRIBUNAL NOS. 88-26421;
** 88-30623A; 89-8137;
** 90-46311; 91-27258
**

Opinion filed December 12, 2001.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Dade County, Manuel A. Crespo, Judge.

Robert James Butler, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before JORGENSEN, LEVY, and GODERICH, JJ.

PER CURIAM.

Defendant appeals from an order denying his motion for postconviction relief. We affirm.

The trial court denied defendant's motion on the ground that "the court has no jurisdiction." That conclusion was erroneous; the court did have jurisdiction, as the motion was timely pursuant to

Wood v. State, 750 So. 2d 592 (Fla. 1999). On the merits, however, the defendant was not entitled to the relief he sought. See Major v. State, 790 So. 2d 550 (Fla. 3d DCA 2001); Espinosa v. State, 785 So. 2d 583 (Fla. 3d DCA 2001); Ford v. State, 753 So. 2d 595, 596 (Fla. 3d DCA 2000) ("[N]either the defense attorney nor the trial court is duty-bound to anticipate the defendant's recidivism and warn him of the sentence-enhancing consequences his plea may have for any future crimes he commits.") .

AFFIRMED.