

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

NELSON MONTES DE OCA,

**

Appellant,

**

vs.

**

CASE NO. 3D01-3192

THE STATE OF FLORIDA,

**

Appellee.

**

LOWER
TRIBUNAL NO. 98-22379

Opinion filed December 12, 2001.

An appeal from the Circuit Court for Dade County, Victoria
Sigler, Judge.

Nelson Montes de Oca, for appellant.

Robert A. Butterworth, Attorney General, for appellee.

Before SCHWARTZ, C.J., and COPE and GERSTEN, JJ.

PER CURIAM.

The order denying postconviction relief is affirmed without
prejudice to the appellant to refile, supported by affidavits from
the two witnesses setting forth specifically what facts they would
testify to.

Affirmed.