

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, 2004

DERRICK N. MILLER,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

**

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** CASE NO. 3D03-3013

**

** LOWER

TRIBUNAL NO. 99-7888

**

Opinion filed September 15, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Rosa Rodriguez, Judge.

Derrick N. Miller, in proper person.

Charles J. Crist, Jr., Attorney General, and Valentina M.
Tejera, Assistant Attorney General, for appellee.

Before GODERICH, FLETCHER and SHEVIN, JJ.

PER CURIAM.

The trial court's denial of the defendant's motion to withdraw guilty plea is affirmed without prejudice to the defendant filing a facially sufficient motion. See McAllister v. State, 840 So. 2d 1163 (Fla. 5th DCA 2003).

Affirmed without prejudice.