

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM A.D., 2004

JOHN J. CARROLL,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

**

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** CASE NO. 3D04-1162

**

** LOWER

TRIBUNAL NO. 81-5388

**

Opinion filed June 16, 2004.

An Appeal under Florida Rule of Appellate Procedure
9.141(b) (2) from the Circuit Court for Miami-Dade County, Rosa
Rodriguez, Judge.

John J. Carroll, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before COPE, FLETCHER and RAMIREZ, JJ.

PER CURIAM.

The trial court correctly denied appellant's motion for
postconviction relief. The Florida Supreme Court has held that
its opinion in Delgado v. State, 776 So. 2d 233 (Fla. 2000),
"will not . . . apply retroactively to convictions that have

become final.” Id. at 241 (citation and footnote omitted). The suggestion for certification under Florida Rule of Appellate Procedure 9.125 is denied.

Affirmed; suggestion for certification denied.