

Third District Court of Appeal

State of Florida, July Term, A.D. 2013

Opinion filed September 18, 2013.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-2462
Lower Tribunal Nos. 82-1408 & 81-27860C

Vincent Philpot,
Appellant,

vs.

The State of Florida,
Appellee.

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

Carlos J. Martinez, Public Defender, and Daniel Tibbitt, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Natalia Costea and Timothy Thomas, Assistant Attorney Generals, for appellee.

Before WELLS and LOGUE, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

We affirm the denial of Vincent Philpot's Florida Rule of Criminal Procedure 3.850 motion, although for grounds different than those stated by the trial court. The motion should have been summarily denied as untimely or successive. See Fla. R. Crim. P. 3.850 (b), (f); see also Philpot v. State, 668 So. 2d 243 (Fla. 3d DCA 1996). Even if an evidentiary hearing was appropriate, the record reflects no deficient performance of counsel or any resulting prejudice. See Strickland v. Washington, 466 U.S. 668 (1984).

Affirmed.