

# Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed February 4, 2009.

Not final until disposition of timely filed motion for rehearing.

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No. 3D07-2779

Lower Tribunal No. 05-5

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**John Edward Alatalo,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Monroe County, Ruth Becker, Judge.

Carlos J. Martinez, Public Defender, and Gwendolyn Powell Braswell,  
Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Juliet S. Fattel, and Nicholas Merlin,  
Assistant Attorneys General, for appellee.

Before SUAREZ, CORTIÑAS, and ROTHENBERG, JJ.

PER CURIAM

As the defendant did not make a cognizable claim under Florida Rule of Criminal Procedure 3.170(l), we affirm the trial court's ruling.

Affirmed.