

# Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed May 28, 2008.

Not final until disposition of timely filed motion for rehearing.

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No. 3D08-961

Lower Tribunal No. 95-5556

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**David Hernandez,**  
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, Antonio Marin, Judge.

David Hernandez, in proper person.

Bill McCollum, Attorney General, for appellee.

Before RAMIREZ, SHEPHERD, and ROTHENBERG, JJ.

PER CURIAM.

We dismiss this appeal, as orders denying motions to mitigate brought pursuant to Florida Rule of Criminal Procedure 3.800(c) are not appealable. See Banks v. State, 970 So. 2d 401 (Fla. 3d DCA 2007). Dismissed.