

Third District Court of Appeal

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

Opinion filed November 12, 2008.
Not final until disposition of timely filed motion for rehearing.

No. 3D08-2305
Lower Tribunal No. 00-17718

Ira Ferguson,
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, Peter Adrien, Judge.

Michael D. Gelety, for appellant.

Bill McCollum, Attorney General, for appellee.

Before SUAREZ, CORTIÑAS, and ROTHENBERG, JJ.

ROTHENBERG, J.

Because an order denying a motion to mitigate filed pursuant to Florida Rule of Criminal Procedure 3.800(c) is not appealable, we dismiss this appeal. See Mickens v. State, 985 So. 2d 681 (Fla. 4th DCA 2008); Williams v. State, 944 So. 2d 549 (Fla. 3d DCA 2006).

Dismissed.