

Third District Court of Appeal
State of Florida, January Term, A.D. 2009

Opinion filed March 11, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-328
Lower Tribunal Nos. 05-482; 05-1321; 08-265

Aaron K. Smith,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Aaron K. Smith, in proper person.

Bill McCollum, Attorney General, for appellee.

Before SHEPHERD, CORTIÑAS and SALTER, JJ.

PER CURIAM.

An order denying a motion to modify sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(c) is not appealable. See Lusskin v. State, 717 So. 2d 1076, 1077 (Fla. 4th DCA 1998). Accordingly, Smith's appeal is dismissed.