

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

THOMAS MARTINO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-1244

[August 26, 2015]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Barbara McCarthy, Judge; L.T. Case No. 03-12101 CF10P.

Thomas Martino, South Bay, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Cynthia L. Comras, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We affirm the denial of the defendant's rule 3.850 motion following an evidentiary hearing. This denial is without prejudice to his ability to pursue his claim of newly discovered evidence in the trial court.

WARNER, LEVINE and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.