

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2009

CHRISTOPHER KELLY,

Appellant,

v.

Case No. 5D08-1757

STATE OF FLORIDA,

Appellee.

/

Opinion filed September 25, 2009

Appeal from the Circuit Court
for Seminole County,
Debra S. Nelson, Judge.

Adam Pollack, of Law Office of Adam L.
Pollack, P.A., Orlando, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Jeffrey R. Casey,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Christopher Kelly appeals from the denial of his post-sentencing motion to withdraw plea. Initially, we observe that it is unclear from the record below whether Kelly's motion was timely filed on May 22, 2008, or untimely filed on May 27, 2008. We treat Kelly's motion as timely filed and affirm the trial court's order. There was ample

evidence to support the trial court's determination that Kelly entered his negotiated plea voluntarily and with full knowledge and approval of his counsel's pre-trial strategy.

AFFIRMED.

TORPY, EVANDER and COHEN, JJ., concur.