

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

JANUARY TERM 2009

JOSEPH WILLIAM FINFROCK,

Petitioner,

v.

CASE NO. 5D08-3332

STATE OF FLORIDA,

Respondent.

Opinion filed February 6, 2009

Petition for Certiorari Review of
Order from the Circuit Court for
Volusia County,
C. McFerrin Smith, Judge.

Joseph William Finfrock, Arcadia, pro
se.

No appearance for Respondent.

PER CURIAM.

Joseph William Finfrock petitions for certiorari review of an order denying his motion to dismiss a petition filed pursuant to the Jimmy Ryce Act, sections 394.910 through 394.932, Florida Statutes (2008), which seeks to have him civilly committed as a sexually violent predator. We agree with the analysis in *Harris v. State*, 766 So. 2d 1239 (Fla. 1st DCA 2000), which concluded "that an appeal from a final order is the adequate and appropriate remedy for denial of a motion to dismiss in this context, just as it is in virtually every other setting." *Id.* at 1241 (citations omitted).

Accordingly, we deny the petition for writ of certiorari without prejudice to Finfrock's right to raise his arguments on plenary appeal.

DENIED.

SAWAYA, TORPY and LAWSON, JJ., concur.