

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

JULY TERM 2009

SYLVESTER PETERSON,

Appellant,

v.

CASE NO. 5D09-3733

STATE OF FLORIDA,

Appellee.

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Opinion filed December 18, 2009

3.850 Appeal from the Circuit  
Court for Volusia County,  
James R. Clayton, Judge.

Sylvester Peterson, Jasper, pro se.

No Appearance for Appellee.

PER CURIAM.

Sylvester Peterson appeals from an order summarily denying seven of eight issues raised in his motion for postconviction relief, and setting the eighth issue for an evidentiary hearing. This is a non-final order, which cannot be appealed until the trial court issues its final ruling on the last issue raised in Peterson's motion. See Fla. R. App. P. 9.141(b)(1) and 9.130(3); *Caufield v. Cantele*, 837 So. 2d 371, 375 (Fla. 2002). Accordingly, we dismiss the appeal.

DISMISSED.

MONACO, C.J., and LAWSON and EVANDER, JJ., concur.