

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

PHILLIP J. STEINBERG,

Appellant,

v.

Case No. 5D14-3554

STATE OF FLORIDA ,

Appellee.

_____ /

Opinion filed April 10, 2015

3.800 Appeal from the Circuit Court
for Hernando County,
Daniel B. Merritt, Jr., Judge.

Phillip J. Steinberg, Wewahitchka, pro
se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

We affirm the trial court's dismissal of Appellant's Florida Rule of Criminal Procedure 3.800(a) Motion to Correct Illegal Sentence because Appellant's claim is an attack on the legality of his conviction rather than the legality of his sentence. *See State v.*

Moten, 698 So. 2d 1345, 1346 (Fla. 5th DCA 1997). Our affirmance is without prejudice to Appellant seeking relief pursuant to Florida Rule of Criminal Procedure 3.850.

AFFIRMED.

TORPY, C.J., EVANDER and EDWARDS, JJ., concur.