

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

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

CHIEVY JONES,

Appellant,

v.

CASE NO. 1D09-2741

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 5, 2009.

An appeal from the Circuit Court for Duval County.
Linda F. McCallum, Judge.

Chievy Jones, pro se, Appellant.

Bill McCollum, Assistant Attorney General, and Michael T. Kennett, Assistant
Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the postconviction court's order denying his claim that his habitual felony offender sentence is illegal. The record does not contain the judgment and sentence and does not conclusively refute the appellant's claim.

Therefore, we reverse and remand either for additional record portions that refute the appellant's claim, or further proceedings. See Thomas v. State, 707 So. 2d 1189 (Fla. 1st DCA 1998).

REVERSED and REMANDED.

HAWKES, C.J., WOLF, J., and HANKINSON, JAMES C., ASSOCIATE JUDGE, CONCUR.