

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

CALVIN JACKSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-3505

[December 7, 2005]

PER CURIAM.

This is an appeal from a final order of the Martin County Circuit Court, summarily denying Calvin Jackson's rule 3.850 motion for post conviction relief. We affirm without prejudice to Jackson's right to file a rule 3.800(a) motion raising his *Hale*¹ challenge if he can demonstrate in that motion that he is entitled to relief without the need for an evidentiary hearing and that entitlement is clear on the face of the record. See *Jones v. State*, 894 So. 2d 1070 (Fla. 4th DCA 2005); *Nelson v. State*, 855 So. 2d 132 (Fla. 4th DCA 2003).

STEVENSON, C.J., KLEIN and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Larry Schack, Judge; L.T. Case Nos. 92-145 CFA & 92-147 CFA.

Calvin Jackson, Raiford, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.

¹ *Hale v. State*, 630 So. 2d 521 (Fla. 1993), cert. denied, 513 U.S. 909 (1994).