

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

ANTHONY K. BENEDETTO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1020

[May 16, 2007]

PER CURIAM.

We affirm the trial court's denial of appellant's Florida Rule of Criminal Procedure 3.800(a) motion. Appellant's habitual violent felony offender (HVFO) sentence was not affected by the amendments of Chapter 95-182, Laws of Florida, which were found unconstitutional in *State v. Thompson*, 750 So.2d 643 (Fla. 1999). Although appellant committed his offense within the window period established by *Thompson*, the trial court could have imposed the HVFO sentence in this case under the prior version of the statute without the amendments. *Johnson v. State*, 763 So.2d 283 (Fla. 2000); *Tiger v. State*, 764 So.2d 824 (Fla. 4th DCA 2000).

POLEN, TAYLOR and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case No. 96-18372 CF10A.

Anthony K. Benedetto, Lake City, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing