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

JOHNNY SAFFOLD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1907

[June 27, 2007]

PER CURIAM.

Appellant challenges the trial court's order denying his motion to correct an illegal sentence claiming that the written sentence did not comport with the oral pronouncement. Although the trial court denied the motion to correct an illegal sentence based upon *Campbell v. State*, 718 So. 2d 886 (Fla. 4th DCA 1998), our supreme court has disapproved our resolution of the issue in *Williams v. State*, 32 Fla. L. Weekly S246 (Fla. May 17, 2007). However, on the merits of the motion we affirm. Appellant contends that the trial court's written sentencing judgment sentencing appellant as a habitual offender varies from its oral pronouncement. We disagree, as at sentencing the trial court said, "I am going to impose the habitual offender statute, finding that the State qualified you as an habitual offender." The mere fact that the judge imposed the habitual offender status before declaring the length of the sentence does not amount to a failure to impose habitual offender sentencing. *See Scanes v. State*, 876 So. 2d 1238 (Fla. 4th DCA 2004) ("magic words" are not necessary to establish what the sentencing court intended when it declared the intent to impose a habitual offender sentence); *see also Zink v. State*, 943 So. 2d 895 (Fla. 4th DCA 2006).

Affirmed.

STEVENSON, C.J., WARNER and HAZOURI, JJ., CONCUR.

* * *

Appeal of order denying rule 3.800 motion from the Circuit Court for

the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 311996CF001147A.

Johnnie Saffold, Fort Myers, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.