

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

ANTOINE MUSEAU,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-198

[March 28, 2007]

PER CURIAM.

Antoine Museau appeals the denial of his rule 3.800(a) motion to correct illegal sentence. We affirm all points, but note that, within his first issue, he claims a discrepancy between the written sentence and oral pronouncement. This court has held that the claim is not cognizable through a rule 3.800(a) motion. *See Campbell v. State*, 718 So. 2d 886 (Fla. 4th DCA 1998). Museau's motion was not sworn.

Consequently, we affirm the denial of relief, but without prejudice to Museau seeking relief pursuant to rule 3.850, if time allows. *See Moreland v. State*, 944 So. 2d 485 (Fla. 4th DCA 2006); *Wilbon v. State*, 944 So. 2d 397 (Fla. 4th DCA 2006); *Renaud v. State*, 901 So. 2d 1032 (Fla. 4th DCA 2005), *review dismissed*, 926 So. 2d 1241 (Fla. 2006); *see also Covell v. State*, 891 So. 2d 1132 (Fla. 4th DCA 2005). As in *Wilbon*, we certify conflict with *Fitzpatrick v. State*, 863 So. 2d 462 (Fla. 1st DCA 2004), and *Berthiaume v. State*, 864 So. 2d 1257 (Fla. 5th DCA 2004). *See* 944 So. 2d at 397 (on rehearing).

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

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Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case Nos. 04-17765 CF10A & 04-20923 CF10B.

Antoine Museau, Clermont, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.