

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

CRAIG GREEN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-219

[May 28, 2008]

PER CURIAM.

Craig Green seeks review of a trial court's order that denied his rule 3.800(a) motion. The state argued that Green's motion was an abuse of the procedure and urged the trial court to show cause why Green should not be barred from future filings. The trial court denied the motion but did not impose sanctions.

Green raised two points in his rule 3.800(a) motion. The second point is a successive claim previously denied on the merits. On the other hand, none of the records furnished to this court show that Green's first point was the subject of any previous motions. *See State v. McBride*, 848 So. 2d 287, 290 (Fla. 2003). Green raises a challenge to his predicate offenses, arguing that they were not properly sequential. *Bover v. State*, 797 So. 2d 1246, 1251 (Fla. 2001).

The state was directed by this court to respond to this point. Neither the response nor the supplemental response addressed the claim as directed. Consequently, we remand the case for the trial court's consideration of this claim.

SHAHOOD, C.J., POLEN and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Krista Marx, Judge; L.T. Case No. 1990CF013020BXX.

Craig Green, South Bay, pro se.

Bill McCollum, Attorney General, Tallahassee, and Joseph A. Tringali,
Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing