

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ROBERT MASTERS, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 )  
 \_\_\_\_\_ )

Case No. 2D05-3754

Opinion filed December 30, 2005.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Pasco County; Stanley R. Mills, Judge.

PER CURIAM.

We affirm the order denying Robert Masters' motion for postconviction relief, which was filed pursuant to Florida Rule of Criminal Procedure 3.850. Mr. Masters raised an issue concerning his sexual predator status that the trial court did not fully resolve in its order. We cannot confirm that Mr. Masters' designation as a sexual predator is legal, although nothing in this record suggests that it is unauthorized. If Mr. Masters files a motion pursuant to Florida Rule of Criminal Procedure 3.800(a) alleging

that his sexual predator status is not authorized, that motion should be resolved on the merits and should not be denied on the basis of anything presented in this motion. See King v. State, 911 So. 2d 229 (Fla. 2d DCA 2005).

Affirmed.

ALTENBERND, CANADY and LaROSE, JJ., Concur.