

Third District Court of Appeal

State of Florida, July Term, A.D. 2007

Opinion filed January 2, 2008.
Not final until disposition of timely filed motion for rehearing.

No. 3D07-2757
Lower Tribunal No. 92-2775

Mark Randall Smith,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Mark King Leban, Judge.

Mark Randall Smith, in proper person.

Bill McCollum, Attorney General, for appellee.

Before SHEPHERD, SUAREZ and LAGOA, JJ.

PER CURIAM.

Petitioner appeals the trial court's denial of his motion to correct an illegal sentence. We will treat this as a timely-filed 3.800 motion and deny as the same

issue has been raised in a previous motion and been ruled upon and denied. See
Smith v. State, 669 So. 2d 1133 (Fla. 3d DCA 1996).