

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2005

ROBBIE CLARK, JR.,	**	
Appellant,	**	
vs.	**	CASE NO. 3D04-3223
THE STATE OF FLORIDA,	**	
Appellee.	**	LOWER TRIBUNAL NO. 95-8534
	**	

Opinion filed June 8, 2005.

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

Robbie Clark, Jr., in proper person.

Charles J. Crist, Jr., Attorney General, and Fredericka Sands, Assistant Attorney General, for appellee.

Before COPE, GREEN, and SUAREZ, JJ.

PER CURIAM.

We affirm the trial court's denial of the appellant's Rule 3.800(a) motion made pursuant to Blakely v. Washington, 124 S.

Ct. 2531 (2004), because Blakely does not apply retroactively to cases on collateral review that became final prior to issuance of that decision. See Burgal v. State, 888 So. 2d 702 (Fla. 3d DCA 2004); McBride v. State, 884 So. 2d 476, 478 (Fla. 4th DCA 2004).