

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

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

JOSE FERNANDEZ,

**

Appellant,

**

vs.

** CASE NO. 3D05-1240

THE STATE OF FLORIDA,

**

Appellee.

** LOWER
TRIBUNAL NO. 97-1931
**

Opinion filed September 14, 2005.

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

Jose Fernandez, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before COPE, C.J., and SHEPHERD and ROTHENBERG, JJ.

PER CURIAM.

Appellant, Jose Fernandez, appeals the denial of his
Florida Rule of Criminal Procedure 3.800(a) motion, brought

pursuant to Blakely v. Washington, ___ U.S. ___, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004). Because Blakely does not apply retroactively to cases on collateral review that became final prior to issuance of that decision, we affirm. See Clark v. State, 903 So. 2d 292, 293 (Fla. 3d DCA 2005); Reed v. State, 898 So. 2d 1204 (Fla. 3d DCA 2005); Burgal v. State, 888 So. 2d 702 (Fla. 3d DCA 2004); McBride v. State, 884 So. 2d 476, 478 (Fla. 4th DCA 2004). We do not address the appellant's claim that his sentence was disproportionate because such a claim is not cognizable on a motion to correct illegal sentence. See Lykins v. State, 894 So. 2d 302, 303 (Fla. 3d DCA 2005).

Affirmed.