

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

TOM HENRY PARKS,

Appellant,

v.

Case No. 5D18-1557

STATE OF FLORIDA,

Appellee.

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Opinion filed June 29, 2018

3.850 Appeal from the Circuit Court  
for Volusia County,  
Raul A. Zambrano, Judge.

Tom H. Parks, Perry, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kellie A. Nielan, Assistant  
Attorney General, Daytona Beach, for  
Appellee.

PER CURIAM.

We affirm the order entered by the circuit court in Case No. 2017-100954-CFDL denying Appellant's Florida Rule of Criminal Procedure 3.850 motion for postconviction relief filed in that case, albeit not for the reasons provided by the court. We do so without prejudice to Appellant timely raising in Case No. 2007-000909-CFAWS his instant claim that the forfeiture of gain time by the Department of Corrections ("DOC") thwarted his plea bargain, as that appears to be the case so affected by the forfeiture. See *Dellahoy v.*

*State*, 816 So. 2d 1253, 1253 (Fla. 5th DCA 2002) (“The DOC’s forfeiture of the gain time cannot be countermanded by the court, but neither can that forfeiture thwart the plea bargain.”).

AFFIRMED, without prejudice.

TORPY, WALLIS, and LAMBERT, JJ., concur.