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

MARSHALL S. VAUGHAN,

Appellant,

v. Case No. 5D21-543

STATE OF FLORIDA,

Appellee.

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Opinion filed July 2, 2021

3.800 Appeal from the Circuit Court for Citrus County,
Richard A. Howard, Judge.

Marshall S. Vaughan, Milton, pro se.

Ashley Moody, Attorney General, Tallahassee, and Pamela J. Koller, Assistant Attorney General, Daytona Beach, for Appellee.

PER CURIAM.

Appellant, Marshall S. Vaughan, appeals the denial of his motion alleging that he was illegally sentenced as a Habitual Felony Offender ("HFO") to ten years in prison following his violation of a term of probation.

When Appellant was originally sentenced to probation, the sentencing court designated him as an HFO. Then when Appellant was being sentenced to prison following the violation of that probation, the court advised that he did not need to be redesignated as an HFO as it would essentially carry over from the original designation in the same case. The prison sentence imposed in writing noted that he was being sentenced as an HFO. The seminal case concerning redesignation of HFO status only requires a "clear intent" of reimposing the status on the violation of a defendant's probation. *See State v. Akins*, 69 So. 3d 261, 272 (Fla. 2011).

From the attached transcripts, the court very clearly intended to impose an HFO sentence, and orally pronounced as much. *Akins* does not impose any requirement for a de novo HFO analysis to be conducted at each revocation, only that the court clearly communicate an intent to reimpose that HFO status. *See Bishop v. State,* 245 So. 3d 861, 862 (Fla. 5th DCA 2018) (*citing Akins,* 69 So. 3d at 261). Accordingly, Appellant was properly sentenced as an HFO, and we affirm the order denying his rule 3.800 motion.

AFFIRMED.

EDWARDS, EISNAUGLE and WOZNIAK, JJ., concur.