

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

KYLE GULLO,

Appellant,

v.

Case No. 5D22-573  
LT Case No. 2015-303217-CFDB

STATE OF FLORIDA,

Appellee.

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Opinion filed May 13, 2022

3.800 Appeal from the Circuit Court  
for Volusia County,  
Leah R. Case, Judge.

Brett Kocijan and O. H. Eaton, Jr.,  
of Office of Criminal Conflict &  
Civil Regional Counsel,  
Casselberry, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, Whitney Brown  
Hartless, Assistant Attorney  
General, Daytona Beach, for  
Appellee.

PER CURIAM.

We affirm the postconviction court's order denying Appellant's Florida Rule of Criminal Procedure 3.800(a) motion to correct illegal sentence, but we do so without prejudice to Appellant filing a legally sufficient motion under this rule, if he can do so in good faith.<sup>1</sup>

AFFIRMED.

LAMBERT, C.J., COHEN and NARDELLA, JJ., concur.

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<sup>1</sup> We take no present position as to the merits of Appellant's claim.