

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

JULY TERM 2006

LAWRENCE J. VICKERS,

Appellant,

v.

Case No. 5D06-1248

STATE OF FLORIDA,

Appellee.

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Opinion filed August 25, 2006

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

Lawrence Vickers, Lowell, pro se.

Charles J. Crist, Jr., Attorney General, and  
Rebecca Roark Wall, Assistant Attorney  
General, Daytona Beach, for Appellee.

PER CURIAM.

Appellant challenges the legality of his sentence. Pursuant to remand in *Vickers v. State*, 875 So. 2d 1288 (Fla. 5th DCA 2004), the trial court resentenced Appellant in numerous cases. We reject Appellant's challenges except as to the sentences in Case No. 02-482. In that case, although the record is not clear, it appears that Appellant might have received an illegal sentence on Count II, a third-degree felony. Even though Appellant was sentenced as an HFO on that count, the total sentence appears to exceed ten years. Upon remand, the trial court may either resentence Appellant on

both counts in Case No. 02-482 or provide further record support that the sentence on Count II does not exceed ten years. See *Ellis v. State*, 869 So. 2d 52 (Fla. 5th DCA 2004).

REVERSED in part; REMANDED.

SAWAYA, ORFINGER and TORPY, JJ., concur.