

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

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

MICHAEL BARCLAY,

Appellant,

v.

CASE NO. 1D08-0284

STATE OF FLORIDA,

Appellee.

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Opinion filed October 21, 2008.

An appeal from the Circuit Court for Alachua County.

Peter K. Sieg, Judge.

Michael Barclay, pro se, Appellant.

Bill McCollum, Attorney General, and Thomas D. Winokur, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant has filed a rule 3.800(a) motion raising five claims. We affirm the trial court's denial of all but the claim that the trial court improperly sentenced the appellant to drug offender probation for the conviction of driving with a permanently revoked license. The trial court cannot impose drug offender probation for this

offense. See Fundora v. State, 974 So. 2d 578 (Fla. 1st DCA 2008). We therefore reverse and remand for the trial court to strike the imposition of drug offender probation from the appellant's sentence.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

KAHN, VAN NORTWICK, and PADOVANO, concur.