

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

FRANKLIN HODGE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D15-2306

Opinion filed November 19, 2015.

An appeal from an order of the Circuit Court for Duval County.
Mallory D. Cooper, Judge.

Franklin Hodge, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Matthew Pavese, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

We affirm the denial of the appellant's rule 3.800(a) motion challenging his VCC sentences on the ground that the convictions were not sequential, see Bover v. State, 797 So.2d 1246, 1250 (Fla. 2001) (stating that under § 775.084(5), "although the sentencing for separate convictions arising out of unrelated crimes can take place on the same day, the sentences cannot be part of the same sentencing proceeding"), as it is not apparent from the face of the record before

this Court whether the appellant was sentenced for the predicate convictions at issue during the same sentencing proceeding. Cf. Poole v. State, 659 So. 2d 309 (Fla. 1st DCA 1994) (“As a general rule, a post-conviction issue that requires an evidentiary hearing must be resolved under Florida Rule of Criminal Procedure 3.850.”). We note that the denial is without prejudice to the appellant filing a timely and facially sufficient motion pursuant to rule 3.850 raising the same claim.

AFFIRMED.

LEWIS and ROWE, JJ., CONCUR; THOMAS, J., CONCURS IN RESULT ONLY.