

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

MORRIS BROWN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D02-4032

[December 20, 2006]

***ON REMAND FROM THE
FLORIDA SUPREME COURT***

PER CURIAM.

This case is before us on remand from the Florida Supreme Court which quashed our earlier decision reported at *Brown v. State*, 912 So. 2d 7 (Fla. 4th DCA 2005). We vacate our opinion issued on March 9, 2005 and replace it with the following opinion.

The appellant, Morris Brown, appeals his convictions and sentences on three counts of attempted first degree murder. We affirm, without comment, on each of the first three claims of error. As for his fourth claim of error, in which Brown argued that the trial court erred in sentencing Brown as a habitual felony offender on count three under *Richardson v. State*, 884 So. 2d 950 (Fla. 4th DCA 2003), we conclude that the trial court did not err in denying relief on this claim. Based on *State v. Richardson*, 915 So. 2d 86 (Fla. 2005), we affirm Brown's sentence as a habitual felony offender for the third count of attempted first degree murder.

Affirmed.

STEVENSON, C.J., GUNTHER and STONE, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,

Broward County; James I. Cohn, Judge; L.T. Case No. 02-008283
CF10A.

Carey Haughwout, Public Defender, and Helene Hvizd Morris, Special
Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Sue-Ellen
Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing