

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

JANUARY TERM 2005

CURTIS JONES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

FARMER, C.J., POLEN and GROSS, JJ.,
concur.

***NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR
REHEARING.***

CASE NO. 4D05-119

Opinion filed February 16, 2005

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Dwight L. Geiger, Judge; L.T. Case No. 562000CF000045A.

Curtis J. Jones, Bushnell, pro se.

No appearance required for appellee.

PER CURIAM.

The order denying as successive appellant's Florida Rule of Criminal Procedure 3.800(a) motion is affirmed. Although we find the motion was not successive and barred by collateral estoppel, the motion failed to state a legally sufficient claim under rule 3.800(a).

Accordingly, affirmance is without prejudice for appellant to again seek relief in the trial court through a rule 3.800(a) motion that specifically identifies non-hearsay, record evidence supporting the claim of a violation of *Hale v. State*, 630 So.2d 521 (Fla. 1993).

See *Burgess v. State*, 831 So.2d 137 (Fla. 2002); *Brown v. State*, 806 So.2d 627 (Fla. 4th DCA 2002); *Nelson v. State*, 855 So.2d 132 (Fla. 4th DCA 2003); *Speas v. State*, 887 So.2d 416 (Fla. 2d DCA 2004).