

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

DAVID PUZIO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-1519

[June 29, 2005]

PER CURIAM.

We affirm the trial court's summary denial of appellant's motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Insofar as appellant's claims included a sentencing challenge based on *Apprendi v. New Jersey*, 530 U.S. 466 (2000), we note that this decision does not apply retroactively to appellant's sentence which became final in 1998. See *Hughes v. State*, 901 So.2d 837 (Fla. 2005).

KLEIN, HAZOURI and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 94-12537 CF10A.

David Puzio, Okeechobee, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.