

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

FELTON ERNEST EPPS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-1753

[September 14, 2005]

ON MOTION FOR REHEARING

PER CURIAM.

Affirmed. A defective notice of intent to habitualize is a procedural error which does not result in an illegal sentence which can be raised in a Florida Rule of Criminal Procedure 3.800(a) motion. *Moore v. State*, 810 So. 2d 976 (Fla. 4th DCA 2002); *Hollis v. State*, 763 So. 2d 1155 (Fla. 4th DCA 2000).

WARNER, KLEIN and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cheryl J. Alemán, Judge; L.T. Case No. 91-18335 CF10A.

Felton Ernest Epps, DeFuniak Springs, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and David M. Schultz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.