

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

JAMES CLIFFORD JERRY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-4147

[July 22, 2009]

ON REMAND FROM THE SUPREME COURT OF FLORIDA

PER CURIAM.

This case is before us on remand from the Supreme Court of Florida for reconsideration following its decision in *Yisrael v. State*, 993 So. 2d 952 (Fla. 2008). After reviewing the record and the State's response to our order to show cause, we find that neither the record attachments to the defendant's motion nor the record on appeal establish the required qualifications for the defendant's designation as a prison releasee reoffender (PRR). The record fails to show that a Time and Crime Report was attached to a signed and sealed release date letter in this case.

Nonetheless, we affirm the trial court's order summarily denying the motion to correct illegal sentence because the defendant failed to allege in his 3.800(a) motion that the release date letter misstated the date of his release and that his actual date of release made him ineligible for PRR sanctions. The defendant did not establish that his sentence was illegal under rule 3.800(a) for that reason. See *Ives v. State*, 993 So. 2d 117 (Fla. 4th DCA 2008). See also *Bover v. State*, 797 So. 2d 1246 (Fla. 2001). Rule 3.800(a) is not intended for challenges made to the procedures used to impose the punishment. A similar challenge to the procedures used to qualify a defendant for PRR sentencing based on *Yisrael* was rejected as improper under rule 3.800(a) by this Court in *Ives v. State*, 993 So. 2d 117 (Fla. 4th DCA 2008). See also *Williams v. State*, 982 So. 2d 1234 (Fla. 4th DCA 2008).

Affirmed.

WARNER, MAY and LEVINE, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Larry Schack, Judge; L.T. Case No. 431998CF001279A.

James Clifford Jerry, Belle Glade, pro se.

Bill McCollum, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.