

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

WALTER CLARK,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-1034

[January 26, 2011]

PER CURIAM.

We affirm the trial court's order denying appellant's motion to correct illegal sentence. Appellant claimed that his prior offenses for which the court withheld adjudication of guilt and placed him on probation do not qualify as predicate offenses for habitual felony offender (HFO) sentencing. Appellant is wrong. At the time appellant committed the offense for which he received the HFO sentence, the relevant section of the HFO statute provided: "For the purposes of this section, the placing of a person on probation or community control without an adjudication of guilt shall be treated as a prior conviction." § 775.084(2), Fla. Stat. (2000); *see also* ch. 99-188, § 3, Laws of Fla. (effective July 1, 1999).

Affirmed.

DAMOORGIAN, CIKLIN and LEVINE, JJ., concur.

* * *

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Bernard I. Bober, Judge; L.T. Case No. 01-2849 CF10A.

Walter Clark, Florida City, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.