

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

ISMAEL CESAR,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-2367

[July 20, 2011]

PER CURIAM.

Ismael Cesar appeals the denial of a rule 3.800(a) motion to correct an illegal sentence. He does not allege that the predicate felony necessary to qualify him as a habitual violent felony offender does not exist as a matter of law, and his sentence is legal. *See Bover v. State*, 797 So. 2d 1246 (Fla. 2001).

Cesar was on probation for four offenses including aggravated assault with a deadly weapon when he committed the offenses in this case, 04-011459 CF10A. The aggravated assault conviction qualified him for habitual violent felony offender sentencing. § 775.084(1)(b), Fla. Stat. (2004); *see also State v. Richardson*, 915 So. 2d 86 (Fla. 2005). Contrary to the arguments in his motion, there was no illegal double enhancement. The consecutive five-year term was imposed for violations of probation in a separate case, 03-4449 CF10A. The offenses did not arise from the same criminal episode and the consecutive sentences are not illegal. *See State v. Hill*, 660 So. 2d 1384, 1386 (Fla. 1995). The circuit court's order is affirmed.

Affirmed.

MAY, C.J., STEVENSON and CIKLIN, JJ., concur.

* * *

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Martin Bidwill, Judge;

L.T. Case No. 04-11459 CF10A.

Ismael Cesar, Arcadia, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.