

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2012*

**SERGIO HERRERA PENA,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D12-1187

[December 12, 2012]

PER CURIAM.

Appellant contends on appeal that his dual convictions for driving with a canceled, suspended, or revoked license causing serious bodily injury or death and leaving the scene of crash causing death violate double jeopardy. The denial of his motion to correct illegal sentence filed pursuant to Fla. R. Crim. P. 3.800(a) was proper. *Black v. State*, 52 So. 3d 830, 831 (Fla. 4th DCA 2011) (citing *Henry v. State*, 920 So. 2d 1204, 1205 (Fla. 4th DCA 2006)). We affirm the order of denial, but do so without prejudice to appellant filing a timely motion for post-conviction relief under Fla. R. Crim. P. 3.850 that raises this issue. *See Abbate v. State*, 82 So. 3d 886, 888 (Fla. 4th DCA 2011).

*Affirmed.*

STEVENSON, TAYLOR and CONNER, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John J. Hoy, Judge; L.T. Case No. 2010CF001423AMB.

Sergio Herrera Pena, Perry, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***