

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|----------------------|---|--------------------|
| VALENTINE RODRIGUEZ, |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | Case No. 2D01-5208 |
| |) | |
| STATE OF FLORIDA, |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed December 13, 2002.

Appeal from the Circuit Court for Pinellas
County; Mark I. Shames, Judge.

James Marion Moorman, Public Defender,
and Robert D. Rosen, Assistant Public
Defender, Bartow, for Appellant.

Richard E. Doran, Attorney General,
Tallahassee, and Dale E. Tarpley, Assistant
Attorney General, Tampa, for Appellee.

NORTHCUTT, Judge.

A defendant cannot be sentenced to consecutive Prison Releasee
Reoffender sentences for offenses arising from a single criminal episode. Smith v.
State, 824 So. 2d 263, 264 (Fla. 2d DCA 2002). Valentine Rodriguez contends that his

consecutive P.R.R. sentences are illegal for that reason. Rodriguez pleaded guilty to committing an aggravated assault and a felony battery against the same victim on the same day. However, we cannot discern from the record or the transcript of the plea colloquy whether the offenses were, in fact, committed in the same criminal episode. Therefore, we affirm Rodriguez's sentences without prejudice to any right he may have to raise this claim in a timely, facially sufficient rule 3.850 motion.

Affirmed.

ALTENBERND and DAVIS, JJ., Concur.