

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CHARLES WESLEY KINDELL, JR.,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NO. 2D02-3048

Opinion filed August 30, 2002.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court
for Hillsborough County;
Jack Espinosa, Jr., Judge.

PER CURIAM.

Charles Wesley Kindell, Jr., appeals the denial of his motion to correct illegal sentence pursuant to Florida Rule of Criminal Procedure 3.800(a) and his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm the trial court's order denying Mr. Kindell's motions without prejudice to any right Mr. Kindell may have to file a timely, facially sufficient 3.850 motion alleging ineffective assistance of counsel for his counsel's failure to object to an offense on Mr. Kindell's

scoresheet that Mr. Kindell claims he did not commit. Such a motion, if filed, shall not be deemed successive.

Affirm.

ALTENBERND, CASANUEVA, and STRINGER, JJ., Concur.