

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROBERT EY,)	
)	
Appellant,)	
)	
v.)	CASE NO. 2D02-537
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
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Opinion filed July 30, 2003.

Appeal from the Circuit
Court for Pinellas County;
Nancy Moate Ley, Judge.

Robert Ey, Clearwater, pro se.

Charles J. Crist, Jr., Attorney
General, Tallahassee, and
William I. Munsey, Jr., Assistant
Attorney General, Tampa, for
Appellee.

WHATLEY, Judge.

We affirm the order denying Robert Ey's motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850. Because Ey has raised an issue in his brief regarding the legality of his sentence for misdemeanor petit theft in circuit court case number 95-19712 which we cannot determine from

this record, our affirmance of this case is without prejudice to any right he may have to file a facially sufficient motion pursuant to rule 3.800 regarding that sentence.

Affirmed.

STRINGER and SILBERMAN, JJ., Concur.