

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BERNARD L. JONES, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D07-5415

Opinion filed April 9, 2008.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Hillsborough County; Daniel H. Sleet,  
Judge.

PER CURIAM.

Affirmed. See Ward v. State, 946 So. 2d 33 (Fla. 2d DCA 2006); Bizzell v. State, 912 So. 2d 386 (Fla. 2d DCA 2005); Brown v. State, 827 So. 2d 1054 (Fla. 2d DCA 2002); Lett v. State, 805 So. 2d 950 (Fla. 2d DCA 2001) (en banc); Clayton v. State, 904 So. 2d 660 (Fla. 5th DCA 2005); Sampson v. State, 832 So. 2d 251 (Fla. 5th DCA 2002).

This court has taken judicial notice of the transcript for the February 28, 1992, sentencing hearing for Mr. Jones, which is contained in the appellate record of a prior appeal filed by Mr. Jones. That transcript shows that Mr. Jones' original sentence was a probationary split sentence with a habitual felony offender designation for both the prison and the probationary portions of the sentence, regardless of any contrary statements found in a prior order from the postconviction court.

Affirmed.

ALTENBERND, CASANUEVA, and SILBERMAN, JJ., Concur.