

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)
)
 Appellant,)
)
 v.)
)
 RONALD BAKER,)
)
 Appellee.)
 _____)

Case No. 2D08-1053

Opinion filed May 8, 2009.

Appeal from the Circuit Court for Pinellas
County; R.Timothy Peters, Judge.

Bill McCollum, Attorney General,
Tallahassee, and Sonya Roebuck Horbelt,
Assistant Attorney General, Tampa, for
Appellant.

Ronald Baker, pro se.

FULMER, Judge.

In this appeal, the State challenges the sentence imposed after the trial court granted Baker's motion to correct illegal sentence in Pinellas County case number CRC83-10641CFANO. We affirm. However, we note that our affirmance does not address whether the newly imposed sentence will entitle Baker to prevail in a challenge

to the habitual offender sentence imposed in Seminole County case number CRC91-2533CFANO because that is a question that must be decided by the circuit court of Seminole County.

CASANUEVA¹ and WALLACE, JJ., Concur.

¹Judge Casanueva has been substituted for Judge Stringer, who was on the original Baker panel.