

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RODNEY LEE PHELPS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D08-2010

Opinion filed March 20, 2009.

Appeal from the Circuit Court for
Hillsborough County; Anthony K. Black,
Judge.

Rodney Lee Phelps, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Katherine Coombs Cline,
Assistant Attorney General, Tampa, for
Appellee.

WHATLEY, Judge.

Rodney Lee Phelps appeals the order denying his motion for postconviction relief. The trial court properly denied Phelps' motion on all grounds except ground one, in which he alleged he received an illegal sentence. Accordingly, we reverse Phelps' sentence and remand to the trial court with directions that it treat ground one as a motion to correct illegal sentence and strike the habitual offender designation. See Rule v. State, 997 So. 2d 1274 (Fla. 2d DCA 2009) (holding that

concurrent and coterminous habitual offender and prison releasee reoffender sentences violate Prison Releasee Reoffender Act; directing the striking of the habitual offender designation).

Affirmed in part; reversed in part; and remanded.

NORTHCUTT, C.J., and LaROSE, J., Concur.