

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

WARDELL F. BROWN,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D09-117

Opinion filed September 4, 2009.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Lee County; Edward J. Volz, Jr., Judge.

Wardell F. Brown, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Ronald Napolitano,
Assistant Attorney General, Tampa,
for Appellee.

PER CURIAM.

Wardell Brown's motion to correct illegal sentence filed under Florida Rule
of Criminal Procedure 3.800(a) was denied by the circuit court. We affirm. Our
affirmance is without prejudice to Brown to raise, in a habeas petition filed in the circuit

court of the county in which he is currently incarcerated, see § 79.09, Fla. Stat. (2008); see also Harvard v. Singletary, 733 So. 2d 1020 (Fla. 1999), the issue of whether the credits granted in an earlier rule 3.800(a) proceeding require his immediate release.

WHATLEY, FULMER, and SILBERMAN, JJ., Concur.