

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROBERT ALLEN PUGH, JR.,)	
)	
Appellant,)	
)	
v.)	Case No. 2D01-1521
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed August 17, 2001.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court
for Polk County;
Donald G. Jacobsen, Judge.

CASANUEVA, Judge.

Robert Allen Pugh, Jr., appeals the summary denial of his motion to correct
illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). The

appellate record in this case is incomplete because Pugh's motion was not transmitted to this court. Following an extensive search, the clerk filed a certificate of nonexistence with this court. This court then requested the State to review its files in the hope that the State could assist the clerk in locating an accurate copy of the missing pleading. Unfortunately, the motion could not be located, and this court cannot properly review the matter without an adequate record. See Brown v. State, 26 Fla. L. Weekly D1589 (Fla. 2d DCA June 27, 2001). Accordingly, we affirm the trial court's order. However, this affirmance is without prejudice to Pugh's right to file another motion concerning the same issues with the trial court.

Affirmed.

ALTENBERND, A.C.J., and NORTHCUTT, J., Concur.