

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

RANDY L. GRIMMAGE, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
\_\_\_\_\_ )

CASE NO. 2D01-2380

Opinion filed October 26, 2001.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court  
for Pinellas County;  
Brandt C. Downey, III, Judge.

GREEN, Judge.

Randy L. Grimmage appeals the summary denial of his motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). In his motion, Grimmage alleged that he might not qualify to be sentenced as a habitual felony offender. The trial court denied the claim finding that it was not cognizable in a rule 3.800(a) motion. We disagree. However, we affirm because we conclude that Grimmage's claim is facially insufficient since he did not specifically allege that he lacked

the requisite qualifying convictions to be sentenced as a habitual felony offender. See, e.g., Lee v. State, 731 So. 2d 71 (Fla. 2d DCA 1999) (holding habitual felony offender sentence is illegal when defendant lacks the required qualifying offenses). This affirmance is without prejudice to Grimage's right to file a facially sufficient motion, if he is able to do so.

We affirm Grimage's remaining claims without comment.

Affirmed.

BLUE, C.J., and DAVIS, J., Concur.