

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

NATHAN LYNN JONES, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

CASE NO. 2D01-3042

Opinion filed November 21, 2001.

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

SILBERMAN, Judge.

Nathan Lynn Jones timely appeals the summary denial of his motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a). The trial court failed to address Jones's claim that he is entitled to resentencing pursuant to Heggs v. State, 759 So. 2d 620 (Fla. 2000), in trial court case number 96-01090AXX. We remand for the trial court to

consider this claim. We affirm without comment the trial court's order on Jones's other claim.

Affirmed in part, reversed in part, and remanded.

GREEN, A.C.J., and DAVIS, J., Concur.