

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

KEVIN G. BURKES,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NO. 2D02-972

Opinion filed May 10, 2002.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court
for Hillsborough County;
Jack Espinosa, Jr., Judge.

DAVIS, Judge.

Kevin G. Burkes appeals the orders summarily denying his motion for postconviction relief and his motion to correct an illegal sentence filed pursuant to Florida Rules of Criminal Procedure 3.850 and 3.800(a). The trial court denied the rule 3.850 motion as untimely. Although it appears that Burkes' motion was timely, see Huff v. State, 569 So. 2d 1247 (Fla. 1990), and Haag v. State, 591 So. 2d 614 (Fla. 1992), we nonetheless affirm the trial court's order because Burkes' claims are either

procedurally barred or otherwise without merit. We affirm the denial of the rule 3.800(a) motion without comment.

Affirmed.

FULMER and GREEN, JJ., Concur.