

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

CALVIN MCCLUSTER, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

CASE NO. 2D03-5233

Opinion filed May 14, 2004.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court  
for Pinellas County;  
Richard A. Luce, Judge.

PER CURIAM.

We affirm the order of the trial court without prejudice to any right  
appellant might have to file a facially sufficient motion pursuant to Florida Rule of  
Criminal Procedure 3.800(a), or a timely facially sufficient motion pursuant to Florida  
Rule of Criminal Procedure 3.850, raising the claim that the written sentences in counts  
three and four are illegal because they do not comport with the oral pronouncement.

NORTHCUTT, KELLY and VILLANTI, JJ., Concur.