

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

DARIN S. HIXON, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 )  
 \_\_\_\_\_ )

Case No. 2D05-207

Opinion filed December 7, 2005.

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

VILLANTI, Judge.

Darin S. Hixon challenges the postconviction court's order granting his motion for clarification filed pursuant to Florida Rule of Criminal Procedure 3.800. We affirm the postconviction court's ruling on ground one without comment. In ground two of his motion, Hixon claims he does not have the requisite prior convictions to be designated a sexual predator. The postconviction court failed to address this claim in its order. This court has recently held that a sexual predator designation is a matter that can be challenged by an appropriate postconviction motion. See King v. State, 911 So.

2d 229 (Fla. 2d DCA 2005) (en banc). We therefore reverse and remand for the postconviction court to consider Hixon's claim on the merits.

Affirmed in part, reversed in part, and remanded.

NORTHCUTT and STRINGER, JJ., Concur.