

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

VICTOR MILLER,)	
)	
Appellant,)	
)	
v.)	Case No. 2D12-6339
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed November 27, 2013.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for Lee
County; Bruce Kyle, Judge.

Victor Miller, pro se.

WALLACE, Judge.

We affirm the postconviction court's denial of Victor Miller's motion filed under Florida Rule of Criminal Procedure 3.800(a) because Mr. Miller did not demonstrate where in the record it can be shown that he is entitled to relief. See Johnson v. State, 60 So. 3d 1045, 1051 n.2 (Fla. 2011). However, our affirmance is without prejudice for Mr. Miller to file a facially sufficient motion.

Although we affirm the denial of Mr. Miller's motion, we note that constructive possession of a firearm cannot support the imposition of a minimum

mandatory sentence enhancement under sections 775.087(1)-(2), Florida Statutes (2000). See Irons v. State, 851 So. 2d 798, 798 (Fla. 2d DCA 2003).

Affirmed without prejudice.

SILBERMAN and MORRIS, JJ., Concur.