

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

FERNANDO JACKSON,	**	
Appellant,	**	
vs.	**	CASE NO. 3D01-2776
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 90-10121

Opinion filed November 14, 2001.

An appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Dade County, Maria Espinosa Dennis, Judge.

Fernando Jackson, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before COPE and GERSTEN, JJ., and NESBITT, Senior Judge.

PER CURIAM.

The decision in Apprendi v. New Jersey, 530 U.S. 466 (2000), does not apply to the appellant's adjudication as a habitual violent felony offender. Saldo v. State, 789 So. 2d 1150 (Fla. 3d DCA 2001); Robbinson v. State, 784 So. 2d 1246 (Fla. 3d DCA 2001).

Affirmed.\*

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\* It is unnecessary for present purposes to decide whether Apprendi is retroactive.