

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

WILLIAM PEOPLES,

\*\*

Appellant,

\*\*

vs.

\*\*

CASE NO. 3D01-438

THE STATE OF FLORIDA,

\*\*

LOWER

TRIBUNAL NO. 96-32569

Appellee.

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Opinion filed August 22, 2001.

An appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Dade County, Lawrence A. Schwartz, Judge.

Williams Peoples, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

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

PER CURIAM.

The identical claim for a scoresheet correction and resentencing was made in an earlier motion for postconviction relief which was denied, and this court affirmed. Peoples v.

State, 751 So. 2d 584 (Fla. 3d DCA 2000) (table). That determination is res judicata. As the trial court ruled in the earlier postconviction proceeding, a claim of scoresheet error is irrelevant to habitual offender sentencing. Horn v. State, 775 So. 2d 1007 (Fla. 2001).

The order now under review is affirmed.