

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2004

LIONEL DAVID,	**
Appellant,	**
vs.	** CASE NO. 3D03-3376
THE STATE OF FLORIDA,	** LOWER
Appellee.	** TRIBUNAL NOs. 92-31954 and 86-5270

Opinion filed January 28, 2004.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court of Miami-Dade County, David C. Miller, Judge.

Lionel David, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before GERSTEN, RAMIREZ, and WELLS, JJ.

PER CURIAM.

Lionel David appeals an order denying his motion to correct illegal sentence. The trial court denied the motion as insufficient to support relief under Florida Rule of Criminal

Procedure 3.800(a) because it raises factual questions. We affirm the denial of the motion without prejudice to any right Appellant might have to file a facially sufficient claim under rule 3.850. See Jackson v. State, 803 So. 2d 842, 843 (Fla. 1st DCA 2001), Young v. State, 787 So. 2d 259 (Fla. 2d DCA 2001).

Affirmed.