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., 2004

MELTIN A. DAVIS,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

** CASE NO. 3D04-1734

** LOWER TRIBUNAL NO. 03-14745

Opinion filed September 9, 2004.

An Appeal under Florida Rule of Appellate Procedure 9.141(b) (2) from the Circuit Court for Miami-Dade County, Julio E. Jimenez, Judge.

Meltin A. Davis, in proper person.

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

Before COPE. GERSTEN and GREEN, JJ.

PER CURIAM.

Meltin A. Davis appeals an order denying his motion to correct illegal sentence. Defendant-appellant Davis contends that he does not qualify as a habitual violent felony offender ("HVFO") because his offense at conviction was not one of the

offenses enumerated in the HVFO statute. The defendant misinterprets the statute. An offender qualifies as an HVFO if he "has **previously** been convicted of a felony or an attempt or conspiracy to commit a felony" enumerated in the statute. § 775.084(1)(b)1., Fla. Stat. (2003) (emphasis added). The current offense for which an offender is being habitualized under the HVFO statute need not be an enumerated offense. See id. § 775.084(1)(b); Tillman v. State, 609 So. 2d 1295 (Fla. 1992).

Affirmed.