

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, 2005

TONY JACKSON,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D05-1755

THE STATE OF FLORIDA,

\*\*

Appellee.

\*\* LOWER  
TRIBUNAL NO. F96-11993

Opinion filed November 2, 2005.

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

Tony Jackson, in proper person.

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

Before COPE, C.J., and SHEPHERD and ROTHENBERG, JJ.

ROTHENBERG, Judge.

The defendant, Tony Jackson, appeals an order denying his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850(b), in which he argued that the

Notice of Intent to Seek an Enhanced Penalty was insufficient.  
We affirm.

The trial court's order indicates that it construed the defendant's 3.850 motion as also filed under Florida Rule of Criminal Procedure 3.800 because the defendant claimed that his sentence is illegal. We find that the trial court correctly ruled that the defendant's claim is not cognizable under Rule 3.800(a), see Zafora v. State, 900 So. 2d 675 (Fla. 3d DCA 2005) (a claim of insufficient notice of intent to habitualize must be raised in a motion filed pursuant to Florida Rule of Criminal Procedure 3.850); Reese v. State, 899 So. 2d 428 (Fla. 3d DCA 2005); Cooper v. State, 817 So. 2d 934 (Fla. 3d DCA 2002), and that the defendant is procedurally barred from raising his claim under Rule 3.850 because his conviction became final more than two years ago.

Affirmed.