

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed August 13, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-1787

Lower Tribunal No. 96-12372

Ivan Varela,
Appellant,

vs.

The State of Florida,
Appellee.

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

Ivan Varela, in proper person.

Bill McCollum, Attorney General, for appellee.

Before SHEPHERD, CORTIÑAS, and SALTER, JJ.

PER CURIAM.

Ivan Varela appeals the trial court's denial of his rule 3.800(a) motion to correct illegal sentence. Varela argues that he is entitled to relief under State v. Thompson, 708 So. 2d 315 (Fla. 1999), and Heggs v. State, 759 So. 2d 620 (Fla. 2000).

Varela was sentenced as a habitual felony offender for armed robbery with a firearm. Thompson has no application to Varela's sentence. See Johnson v. State, 763 So. 2d 283, 284 (Fla. 2000). The trial court also correctly held that Heggs does not provide any basis for relief in this case. See Jefferson v. State, 826 So. 2d 1006, 1007 (Fla. 3d DCA 2001).

Affirmed.