

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2010

ANTHONY JOSEPH LUNARDI,

Appellant,

v.

Case No. 5D10-263

STATE OF FLORIDA,

Appellee.

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Opinion filed June 11, 2010

3.800 Appeal from the Circuit Court
for Brevard County,
Robert T. Burger, Judge.

Anthony Joseph Lunardi, Chipley,
pro se.

Bill McCollum, Attorney General,
Tallahassee, and Robin A. Compton,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Anthony J. Lunardi appeals the denial of his motion to correct sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). After he was convicted of robbery with a weapon, Lunardi was sentenced to forty-five years' imprisonment as an habitual felony offender and a prison releasee reoffender (PRR).¹ He then filed a rule

¹ Lunardi was also sentenced on two other counts, which are not relevant to this appeal.

3.800(a) motion, contending that he was erroneously sentenced as both an habitual felony offender and a PRR. Although we conclude Lunardi is not entitled to relief, the sentencing documents are confusing and we remand for clarification.

Robbery with a weapon is a first-degree felony punishable by up to thirty years' imprisonment. § 812.13(2)(b), Fla. Stat. (2008). Because Lunardi was properly classified as an habitual felony offender, the sentence was increased to a maximum of life. § 775.084(4)(a)1., Fla. Stat. (2008). Courts are free to impose PRR and habitual offender sentences for a single offense so long as the habitual offender sentence results in a greater sentence. Austin v. State, 968 So. 2d 1049, 1050 (Fla. 5th DCA 2007). A PRR sentence serves as a minimum mandatory condition of a defendant's sentence under the habitual offender laws. State v. Manning, 839 So. 2d 849, 851 (Fla. 5th DCA 2003).

In this case, the sentencing documents do not clearly specify that Lunardi's forty-five-year sentence is as an habitual offender, with the first thirty years being served as a PRR. Such confusion might cause the Department of Corrections to miscalculate Lunardi's release date. As a result, although we affirm the denial of Lunardi's motion to correct sentence, on remand, the trial court shall enter a corrected judgment as discussed.

AFFIRMED; REMANDED FOR CLARIFICATION.

SAWAYA, ORFINGER and COHEN, JJ., concur.