

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

JULY TERM 2008

ROGER D. LEBLANC,

Appellant,

v.

Case No. 5D07-3092

STATE OF FLORIDA,

Appellee.

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Opinion filed July 18, 2008

Appeal from the Circuit Court
for Marion County,
Hale R. Stancil, Judge.

James S. Purdy, Public Defender, and
Kevin R. Holtz, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Jeffrey R. Casey,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant's first point, the legality of the fines imposed as part of his habitual offender sentence, was not preserved by contemporaneous objection or rule 3.800 motion. Accordingly, we affirm on this point without prejudice for Appellant to file a rule 3.800 motion. *Polite v. State*, 847 So. 2d 1156, 1157 (Fla. 5th DCA 2003).

We also affirm as to Appellant's second point. See *Massey v. State*, 609 So. 2d 598 (Fla. 1992).

AFFIRMED.

PALMER, C.J., TORPY and EVANDER, JJ., concur.