

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

JULY TERM 2009

ROBERT DOWELL,

Appellant,

v.

CASE NO. 5D09-1284

STATE OF FLORIDA,

Appellee.

/

Opinion filed September 11, 2009

3.800 Appeal from the Circuit Court  
for Brevard County,  
George Turner, Judge.

Robert L. Dowell, Okeechobee, pro se.

Bill McCollum, Attorney General,  
Tallahassee, and Anthony J. Golden,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

We find no error in the trial court's summary denial of Robert Dowell's motion to correct illegal sentence, filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Dowell's motion challenged his consecutive sentences as illegal, alleging a double jeopardy violation based upon the facts related to his underlying convictions. Because Dowell's motion did not "allege with particularity both the non-hearsay record documents that show an error on the face of the record, and 'how and where' the record

demonstrates [that] the consecutive sentences" violate double jeopardy, *Theophile v. State*, 967 So. 2d 948, 949 (Fla. 1st DCA 2007), Dowell's motion was facially insufficient. *Id.*

AFFIRMED.

PALMER, ORFINGER and LAWSON, JJ., concur.