

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

HUNTER ANTHONY BLACK,

Appellant,

v.

Case No. 5D21-2726
LT Case No. 2020-CF-001303-A

STATE OF FLORIDA,

Appellee.

Opinion filed November 18, 2022

Appeal from the Circuit Court
for Osceola County,
Mikaela Nix-Walker, Judge.

Robert David Malove, of The Law
Office of Robert David Malove, P.A.,
Fort Lauderdale, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

ON CONFESSION OF ERROR

Hunter Anthony Black appeals from the trial court's denial of his motion to correct sentence under Florida Rule of Criminal Procedure 3.800(b). Based on the State's proper confession of error and our independent review, we reverse with directions to the trial court to reinstate Black's initial sentence. The trial court violated Black's rights against double jeopardy when, on its own initiative, it enhanced his sentence sixty days after imposing it. See *Ashley v. State*, 850 So. 2d 1265, 1267 (Fla. 2003); *Shepard v. State*, 940 So. 2d 545, 548 (Fla. 5th DCA 2006). Black's presence is not required for this ministerial act.

REVERSED and REMANDED with INSTRUCTIONS.

SASSO, TRAVER and NARDELLA, JJ., concur.