

FIFTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Case No. 5D22-1996  
LT Case No. 2019-CF-002862-A

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KENYA JAROD FRANKLIN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Marion County.  
Lisa D. Herndon, Judge.

Matthew J. Metz, Public Defender, and Darnelle Paige Lawshe,  
Assistant Public Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Stephen R.  
Putnam Jr., Assistant Attorney General, Daytona Beach, for  
Appellee.

December 1, 2023

ON CONFESSION OF ERROR

PER CURIAM.

Appellant Kenya Jarod Franklin appeals his final judgment and sentence. In his only issue on appeal, Franklin argues that the trial court committed fundamental error when it failed to renew

the offer of assistance of counsel before sentencing him. Based upon the State's confession of error and our review of the record, we agree. Franklin's judgment is affirmed, but the sentence is vacated. The case is remanded for a new sentencing hearing with an offer of counsel consistent with Florida Rule of Criminal Procedure 3.111(d)(5). *See Hays v. State*, 63 So. 3d 887 (Fla. 5th DCA 2011).

JUDGMENT AFFIRMED, SENTENCE VACATED, and REMANDED for resentencing.

HARRIS, SOUD, and PRATT, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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