

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

S.W., a child,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-3551

[December 7, 2005]

PER CURIAM.

As the state concedes, the trial court erred by failing to limit appellant's time in the level 6 program to the statutory maximum of 364 days for the first degree misdemeanor, and by failing to grant appellant credit for time served in secure detention before the disposition and pending placement with the Department of Juvenile Justice after disposition.

Accordingly, we reverse the sentence below and remand for the trial court to correct the disposition consistent with this opinion.

Reversed and Remanded.

POLEN, FARMER and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; George A. Brescher, Judge; L.T. Case No. 03-005229-DL00A.

Carey Haughwout, Public Defender, and John M. Conway, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Monique E. L'Italien, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.