

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

WILLIAM PLUMMER, JR.,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1194

[November 21, 2007]

PER CURIAM.

William Plummer, Jr. seeks review of an order that disposed of his rule 3.800(a) motion. We remand for resentencing in connection with one point.

The trial court agreed with Plummer that the violent habitual offender and related mandatory minimum portion of his sentence should be stricken with respect to LT 04-11634. *Brooks v. State*, 837 So. 2d 1125 (Fla. 4th DCA 2003). In so doing, the court did not determine that a resentencing hearing was required. We remand for the trial court to conduct a de novo sentencing hearing. *See Ross v. State*, 901 So. 2d 252 (Fla. 4th DCA 2005); *see also Tumblin v. State*, 965 So. 2d 354 (Fla. 4th DCA 2007); *Granatino v. State*, 965 So. 2d 361 (Fla. 4th DCA 2007).

STONE, STEVENSON and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case Nos. 04-2515 CF10A & 04-11634 CF10A.

William Plummer, Jr., Arcadia, pro se.

Bill McCollum, Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.