

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

JAMES E. YATES, JR.,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1924

April 16, 2008

PER CURIAM.

Yates appeals his prison release reoffender (PRR) sentence after the jury found him guilty of robbery by sudden snatching. On authority of *State v. Hearn*, 961 So. 2d 211, 212 (Fla. 2007), we reverse, concluding that a conviction for robbery by sudden snatching cannot subject Yates to a PRR sentence. *See id.* (holding that “in determining whether a crime constitutes a forcible felony [and thus subjects a defendant to a PRR sentence], courts must consider only the statutory elements of the offense”).

We remand for re-sentencing.

STONE, WARNER and FARMER, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan L. Vaughn, Judge; L.T. Case No. 312004CF000817A.

Carey Haughwout, Public Defender, and Peggy Natale, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Don M. Rogers, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing