NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

PABLO YEBRA,)
Appellant,)
٧.)
STATE OF FLORIDA,)
Appellee.)

Case Nos. 2D14-1919 2D14-1979

CONSOLIDATED

Opinion filed October 14, 2015.

Appeals from the Circuit Court for Hillsborough County; Ronald N. Ficarrotta, Judge.

Howard L. Dimmig, II, Public Defender, and Alisa Smith, Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Jason M. Miller, Assistant Attorney General, Tampa, for Appellee.

LaROSE, Judge.

Pablo Yebra was convicted for burglary and grand theft, in case number

2D14-1919, and for separate acts of burglary and grand theft in case number 2D14-

1979. The cases were consolidated for sentencing, below, and for appeal. Mr. Yebra

challenges his grand theft conviction in case 2D14-1919 and his fifteen-year prison

sentences as a prison releasee reoffender (PRR) in both cases for grand theft.

Mr. Yebra filed a motion to correct sentencing errors pursuant to Florida Rule of Criminal Procedure 3.800(b)(2)(A). We deem the motion denied because the trial court did not rule on the motion within sixty days. <u>See</u> Fla. R. Crim. P. 3.800(b)(2)(B); <u>McGuire v. State</u>, 779 So. 2d 571, 573 (Fla. 2d DCA 2001). His motion preserved the issue for appellate review. <u>See McGuire</u>, 779 So. 2d at 573.

Mr. Yebra contends, and the State properly concedes, that the trial court erred in imposing the PRR sentences because grand theft is not an enumerated offense warranting the enhancement. <u>See</u> § 775.082(9)(a)(1), Fla. Stat. (2012). Accordingly, we reverse and remand for the trial court to remove the PRR designation for the grand theft convictions and to resentence Mr. Yebra. We affirm the grand theft conviction in case 2D14-1919 without further discussion.

Reversed in part, affirmed in part, and remanded with directions.

SILBERMAN and BADALAMENTI, JJ., Concur.