

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

RICHARD LEON GREEN, )

Appellant, )

v. )

STATE OF FLORIDA, )

Appellee. )

Case No. 2D04-3636

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Opinion filed September 21, 2005.

Appeal from the Circuit Court  
for Pinellas County;  
Richard A. Luce and R. Timothy  
Peters, Judges.

James Marion Moorman, Public Defender,  
and Alisa M. Smith, Assistant Public  
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Deborah Fraim Hogge,  
Assistant Attorney General, Tampa,  
for Appellee.

KELLY, Judge.

Richard Leon Green appeals his judgments and sentences for felony  
petit theft, resisting arrest without violence, possession of cocaine, and

possession of paraphernalia. Citing this court's decision in Baskin v. State, 898 So. 2d 266 (Fla. 2d DCA 2005), the State concedes that it was error for Green to be sentenced by a judge other than the judge who accepted his plea. See also Lopez v. State, 905 So. 2d 1045 (Fla. 2d DCA 2005); Gay v. State, 898 So. 2d 1203 (Fla. 2d DCA 2005); Clemons v. State, 816 So. 2d 1180 (Fla. 2d DCA 2002). Accordingly, we reverse Green's sentences and remand for resentencing before the original judge unless the State can demonstrate on the record that resentencing by a different judge is necessary.

Reversed and remanded.

STRINGER and WALLACE, JJ., Concur.