

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

PEDRO QUIIJE,)	
)	
Appellant,)	
)	
v.)	Case No. 2D04-4122
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed June 29, 2005.

Appeal from the Circuit Court for
Collier County; Frederick R. Hardt, Judge.

Rexford Darrow and Mark Casassa
of Law Offices of Casassa, Mangone,
Miller and Faett, Naples, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Richard M. Fishkin,
Assistant Attorney General, Tampa,
for Appellee.

SILBERMAN, Judge.

Pedro Quijje appeals his sentences in seven circuit court cases¹ and
argues that the trial court erred in sentencing him because another judge had accepted
his pleas. We reverse and remand for resentencing.

¹ Quijje is appealing his sentences in circuit court case numbers 03-2949CFA,
03-3552CFA, 04-343CFA, 04-404CFA, 04-406CFA, 04-408CFA, and 04-409CFA.

At Quijije's sentencing hearing, he objected to Judge Hardt sentencing him and argued that the judge who had accepted his pleas, Judge Ellis, should sentence him. The State properly concedes that Judge Hardt erred in sentencing Quijije because Judge Ellis had accepted Quijije's pleas and the record does not show that it was necessary for another judge to sentence him. See Gay v. State, 898 So. 2d 1203, 1204 (Fla. 2d DCA 2005); Snyder v. State, 870 So. 2d 140, 143 (Fla. 2d DCA 2004); Campbell v. State, 622 So. 2d 603, 603 (Fla. 2d DCA 1993); see also Fla. R. Crim. P. 3.700(c)(1).

Therefore, we reverse Quijije's sentences and remand for resentencing before the original trial judge, or, if circumstances require it, resentencing by a successor judge after a showing of necessity has been made on the record. See Snyder, 870 So. 2d at 144.

Reversed and remanded.

NORTHCUTT, J., and THREADGILL, EDWARD F., SENIOR JUDGE, Concur.