

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JEFFREY CHARLES COOK,)	
)	
Appellant,)	
)	
v.)	Case No. 2D10-5909
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed April 18, 2012.

Appeal from the Circuit Court for Pinellas
County, Joseph A. Bulone, Judge.

James Marion Moorman, Public Defender,
and Allyn M. Giambalvo, Assistant Public
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Anne Sheer Weiner,
Assistant Attorney General, Tampa, for
Appellee.

NORTHCUTT, Judge.

Jeffrey Cook was serving a probationary term for three crimes. When he was accused of violating the conditions of his probation, he admitted the violations in exchange for concurrent sentences of fifteen years' imprisonment. In this appeal, we

reject without further comment Cook's assertion that the circuit court lacked jurisdiction to revoke his probation. But we agree with his second point, that his sentence must be corrected.

Cook filed a timely motion with the circuit court pursuant to Florida Rule of Criminal Procedure 3.800(b)(2), pointing out that his sentencing documents improperly designated him as a habitual offender. The State conceded that the designation was improper. The court granted Cook's motion and entered an amended sentence deleting the habitual offender reference. However, it did so after expiration of the time allotted for the court to rule on such a motion. See Fla. R. Crim. P. 3.800(b)(1)(B) ("Within 60 days from the filing of the motion, the trial court shall file an order ruling on the motion."); (b)(2)(B) ("The trial court shall resolve this motion in accordance with the procedures in subdivision (b)(1)(B)."). Therefore, we must reverse the amended sentence because it was entered without jurisdiction. We remand to the circuit court to reenter an amended sentence removing Cook's habitual offender designation.

Affirmed in part, reversed in part, and remanded.

DAVIS and WALLACE, JJ., Concur.