

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DONALD DAVIS, JR.,

Appellant,

v.

Case No. 5D17-671

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 7, 2017

3.800 Appeal from the Circuit
Court for Orange County,
Marc L. Lubet, Judge.

Donald Davis, Jr., Crawfordville, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM

This is an appeal from the trial court's order below granting in part and denying in part Appellant's motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). On appeal, Appellant argues that the trial court erred when it modified his sentence without holding a resentencing hearing. We agree, and remand for resentencing. See § 775.082(3)(c), Fla. Stat. (2016); § 921.1402(2)(d), Fla. Stat.

(2016); see also *Kelsey v. State*, 206 So. 3d 5, 10-11 (Fla. 2016) ("Because we determine that resentencing is the appropriate remedy, the trial courts may embrace all of the provisions of chapter 2014–220 [which was codified in sections 775.082, 921.1401, and 921.1402, Florida Statutes] and are not required to limit themselves to only applying the judicial review provision."). The trial court's order is otherwise affirmed.

AFFIRMED IN PART; REVERSED IN PART; AND REMANDED.

TORPY, EVANDER, and EISNAUGLE JJ., concur.