

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

PATRICK WILLIAM KEEBLER,

Appellant,

v.

Case No. 5D18-3059

STATE OF FLORIDA,

Appellee.

Opinion filed December 20, 2019

Appeal from the Circuit Court
for Hernando County,
Daniel B. Merritt, Jr., Judge.

James S. Purdy, Public Defender, and Ali L.
Hansen, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

ON CONCESSION OF ERROR

PER CURIAM.

This case is procedurally identical to Wehr v. State, 279 So. 3d 340 (Fla. 5th DCA 2019), and we adopt the opinion in that case in its entirety.

Based on the State's concession of error, we quash the postconviction court's order holding that Appellant was not entitled to resentencing. See Simmons v. State, 274 So. 3d 468, 470 (Fla. 1st DCA 2019) (holding that order granting resentencing became

final when neither party moved for rehearing or appealed order, and, therefore, postconviction court lacked authority to enter subsequent order rescinding original resentencing order). We quash the order on appeal and remand with directions for the postconviction court to reinstate the order granting Appellant's postconviction motion and to conduct a resentencing hearing.

QUASHED AND REMANDED with directions.

EVANDER, C.J., COHEN and WALLIS, JJ., concur.