

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

MATTHEW PIRIE,

Appellant,

v.

Case No. 5D19-3123

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 27, 2019

3.800 Appeal from the Circuit
Court for Citrus County,
Richard A. Howard, Judge.

Matthew Pirie, Live Oak, pro se.

Ashley Moody, Attorney General, Tallahassee,
and Douglas T. Squire, Assistant Attorney
General, Daytona Beach, for Appellee.

PER CURIAM

Matthew Pirie appeals the denial of his motion to correct illegal sentence under Florida Rule of Criminal Procedure 3.800(a). Pirie argues that, following the vacation of one of his two convictions in this case, he was entitled to be resentenced under a corrected scoresheet. We agree. See Pierce v. State, 281 So. 3d 569, 570 (Fla. 5th DCA 2019) and Termitus v State, 279 So. 3d 324, 326–27 (Fla. 5th DCA 2019).

Accordingly, the summary denial of Pirie's 3.800(a) motion is reversed and this case is remanded for resentencing under a scoresheet that does not include Pirie's vacated conviction.

REVERSED and REMANDED for resentencing under a recalculated scoresheet.

EDWARDS, HARRIS and TRAVER, JJ., concur.