

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

JULY TERM 2004

JULIO ENRIQUE ROLON,

Appellant,

v.

CASE NO. 5D03-3371

STATE OF FLORIDA,

Appellee.

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Opinion filed August 27, 2004

Appeal from the Circuit Court
for Orange County,
Reginald Whitehead, Judge.

James B. Gibson, Public Defender, and Noel A.
Pelella, Assistant Public Defender, Daytona Beach,
for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Carmen F. Corrente, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

The State concedes that the appellant, Julio Rolon, should have been resentenced under *Heggs*¹ for attempted second degree murder as a level 8 offense, rather than as a level 10 offense. Accordingly, we reverse and remand for resentencing.

REVERSED and REMANDED.

THOMPSON, PLEUS and MONACO, JJ., concur.

¹*Heggs v. State*, 759 So. 2d 620 (Fla. 2000).

