

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

JANUARY TERM 2008

WILLIAM G. WITT,

Appellant,

v.

CASE NO. 5D08-41

STATE OF FLORIDA,

Appellee.

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Opinion filed June 6, 2008

Appeal from the Circuit Court
for Brevard County,
Lisa Davidson, Judge.

Daniel S. Ciener and Terry L. Locy, of Law
Firm of Daniel S. Ciener, Merritt Island, for
Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Jeffrey R. Casey,
Assistant Attorney General, Daytona
Beach, for Appellee.

LAWSON, J.

William Witt appeals the sentences entered against him after his violation of probation. He argues that his allocution rights were violated because the court never gave him an opportunity to speak or present evidence at the sentencing hearing. The State concedes error and the record reveals that Witt never had an opportunity to offer evidence or make a statement to the court, as required by Florida Rule of Criminal

Procedure 3.720. Accordingly, we reverse Witt's sentences and remand for a new sentencing hearing.

REVERSED AND REMANDED.

PALMER, C.J., and EVANDER, J., concur.