

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

JULY TERM 2010

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D10-489

CHARLES HEPBURN,

Appellee.

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Opinion filed December 3, 2010

Appeal from the Circuit Court
for Orange County,
C. Jeffery Arnold, Judge.

Bill McCollum, Attorney General,
Tallahassee, and Megan Saillant,
Assistant Attorney General, Daytona
Beach, for Appellant.

James S. Purdy, Public Defender, and
Dee Ball, Assistant Public Defender,
Daytona Beach, for Appellee.

PER CURIAM.

After a plea, the trial court imposed a downward departure sentence over objection. The reasons given for the departure sentence are insufficient. See *State v. Knox*, 990 So. 2d 665, 668 (Fla. 5th DCA 2008); *State v. Sawyer*, 753 So. 2d 737, 738 (Fla. 2d DCA 2000); *State v. Arvinger*, 751 So. 2d 74, 77 (Fla. 5th DCA 1999); *State v. Collins*, 482 So. 2d 388, 389 (Fla. 5th DCA 1985).

Because the plea was induced by the trial court's offer to impose the departure sentence, on remand, Appellee may elect to withdraw his plea. Otherwise, the trial court must resentence him and impose a guideline sentence.

REVERSED AND REMANDED.

GRIFFIN, TORPY and COHEN, JJ., concur.