

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

JANUARY TERM 2010

CHRISTOPHER FISHER,

Appellant,

v.

Case No. 5D10-61

STATE OF FLORIDA,

Appellee.

Opinion filed June 4, 2010

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

James S. Purdy, Public Defender,
and Edward J. Weiss, Assistant
Public Defender, Daytona Beach,
for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney
General, Daytona Beach, for
Appellee.

PER CURIAM.

Christopher Fisher appeals the denial of his motion to correct sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). In part, Fisher argues that his prison release reoffender (PRR) sentence for the offense of battery on a law enforcement officer is improper under State v. Hearns, 961 So. 2d 211 (Fla. 2007). The

State properly concedes error. See Rawlings v. State, 976 So. 2d 1179 (Fla. 5th DCA 2008).

Accordingly, we strike the PRR portion of Fisher's sentence for battery on a law enforcement officer and remand for resentencing on that count.¹ We affirm in all other respects.

AFFIRMED IN PART; REMANDED.

MONACO, C.J., ORFINGER and JACOBUS, JJ., concur.

¹ Count II, case number 2007-CF-73.