

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

JOSHUA L. BALDWIN,

Appellant,

v.

CASE NO. 1D01-2708

STATE OF FLORIDA,

Appellee.

Opinion filed October 22, 2003.

An appeal from the Circuit Court for Gadsden County.

Judge William L. Gary.

Robert Augustus Harper and Michael Robert Ufferman of Robert Augustus Harper Law Firm, P.A., Tallahassee, for Appellant.

Charlie Crist, Attorney General and Felicia A. Wilcox, Assistant Attorney General, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Joshua L. Baldwin appeals the sentences imposed following his plea of no contest to two counts of lewd and lascivious molestation. The appellant correctly

contends that his concurrent sentences of 12 years' state prison, followed by 10 years sex offender probation, for each count, are in excess of the 15-year statutory maximum. In accordance with the state's concession of error, we reverse the appellant's sentences and remand for resentencing within the permissible range under the Criminal Punishment Code.

On remand, the trial court may consider any appropriate argument, including the appellant's argument that victim injury points should not be scored for penetration.

Reversed and Remanded.

BENTON, PADOVANO and BROWNING, JJ., CONCUR.