

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

JULIUS A. GATHERS,

Appellant,

v.

CASE NO. 1D02-1106

STATE OF FLORIDA,

Appellee.

Opinion filed August 21, 2003.

An appeal from Circuit Court for Gulf County.

Glenn L. Hess, Judge.

Nancy A. Daniels, Public Defender, and Paula S. Saunders, Assistant Public Defender,
Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and Karen M. Holland, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges sentences which were imposed for two counts of
resisting arrest with violence. These are third degree felonies, for which a five year

maximum term of imprisonment is allowed. § 843.01; § 775.082(3)(d), Fla. Stat. The concurrent fifteen year terms of imprisonment imposed for these offenses are illegal sentences, exceeding the maximum allowed by law. The appellant's sentences are therefore vacated, and the case is remanded for resentencing.

ERVIN, BARFIELD and ALLEN, JJ., CONCUR.