

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

DONALD L. JOHNSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D03-3295

Opinion filed May 21, 2004.

An appeal from the Circuit Court for Duval County.
John H. Skinner, Judge.

Nancy A. Daniels, Public Defender, and Richard M. Summa, Assistant Public
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and Edward C. Hill, Jr., Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The trial court erred in failing to give appellant, Donald Johnson, the opportunity
to present evidence or submissions relevant to sentencing before imposing sentence,
pursuant to Florida Rule of Criminal Procedure 3.720(b). Whitlow v. State, 732 So.

2d 441 (Fla. 1st DCA 1999); Ventura v. State, 741 So. 2d 1187 (Fla. 3d DCA 1999);

Beecham v. State, 652 So. 2d 1275 (Fla. 3d DCA 1995). The state concedes error.

We reject Johnson's contention that he must be resentenced before a different judge.

There has been no allegation or showing of bias by the trial judge.

REVERSED and REMANDED for further proceedings.

ERVIN, BENTON and LEWIS, JJ., CONCUR.