

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

CHRISTOPHER KERR,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-4141

Opinion filed February 22, 2005.

An appeal from the Circuit Court for Okaloosa County.
Thomas T. Remington, Judge.

Appellant, pro se.

Charlie Crist, Attorney General; Thomas D. Winokur, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's order summarily denying his motion alleging an illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Because the appellant has stated a facially sufficient claim that he is entitled to resentencing pursuant to Heggs v. State, 759 So.2d 620 (Fla.2000), on Count II for robbery with a firearm, we reverse and remand for the trial court to reconsider this

claim. His claim regarding Count I is without merit. See § 921.001(4)(b)2., Fla. Stat. (1995).

AFFIRMED IN PART AND REVERSED AND REMANDED IN PART.

WOLF, C.J., DAVIS and BROWNING, JJ., CONCUR.