

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

JODY POSEY,

Appellant,

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

v.

CASE NO. 1D10-1417

STATE OF FLORIDA,

Appellee.

Opinion filed June 30, 2011.

An appeal from the Circuit Court for Escambia County.
Kenneth L. Williams, Judge.

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

Pamela Jo Bondi, Attorney General, and Giselle Denise Lyles, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant challenges his conviction and sentence for lewd or lascivious
molestation pursuant to section 800.04(5), Florida Statutes (2007). Appellant
raises a number of issues. We find no merit as to any of the issues related to his
conviction. We find merit as to one issue related to sentencing. We determine we

are required to quash the sentence and remand for resentencing before a different judge pursuant to the dictates of Jackson v. State, 39 So. 3d 427 (Fla. 1st DCA 2010).

The sentence is quashed, and we remand for resentencing.

WOLF, PADOVANO, and ROWE, JJ., CONCUR.