

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

MELISSA MATUCHA,

Appellant,

v.

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

CASE NO. 1D13-3185

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 12, 2013.

An appeal from an order of the Bay County Circuit Court.
Brantley S. Clark, Jr., Judge.

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

Pamela Jo Bondi, Attorney General, and Jay Kubica, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Consistent with the state's concession of error, we conclude that the denial of the right to self representation based on a finding that the defendant is incapable of representing herself requires reversal. Kearse v. State, 858 So. 2d 348, 349 (Fla. 1st DCA 1992). Accordingly, the judgment and sentence is reversed and this cause is remanded for further proceedings consistent with this opinion.

WETHERELL, SWANSON, and OSTERHAUS, JJ., CONCUR.