

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D19-2344

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DAVID ALLEN LOVE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Madison County.  
Melissa G. Olin, Judge.

July 20, 2020

PER CURIAM.

After being convicted and sentenced, Appellant moved to correct a sentencing error under Florida Rule of Criminal Procedure 3.800(b)(2), asserting that the scoresheet erroneously included thirty points for “prior serious felony.” He appealed when his motion was deemed denied. *See Fla. R. Crim. P. 3.800(b)(2)(B)*. Upon review, we agree with Appellant’s argument and with the State’s concession of error regarding the scoresheet’s erroneous inclusion of the additional points. Because the record does not conclusively show that Appellant would have received the same sentence had a correct scoresheet been used, we reverse for the trial court to resentence Appellant using a correctly calculated scoresheet. *See Ray v. State*, 987 So. 2d 155, 156 (Fla. 1st DCA 2008).

Thus, we AFFIRM Appellant's convictions but REVERSE and REMAND for resentencing pursuant to a correctly calculated scoresheet.

ROBERTS, OSTERHAUS, and M.K. THOMAS, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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Andy Thomas, Public Defender, and Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Jovona I. Parker, Assistant Attorney General, and Jennifer J. Moore, Assistant Attorney General, Tallahassee, for Appellee.