

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOHNNY CHARLES JONES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-4713

[August 24, 2016]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; James W. McCann, Judge; L.T. Case No. 56-1990-CF00974A.

Diamond R. Litty, Public Defender and Usha Maharajh, Assistant Public Defender, Stuart, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melynda L. Melear, Assistant Attorney General, West Palm Beach, for appellee.

ON MOTION FOR REHEARING

PER CURIAM.

We grant the motion for rehearing. In the panel opinion, we affirmed citing *Atwell v. State*, 128 So. 3d 167 (Fla. 4th DCA 2013). Between the time the panel signed off on the opinion and its June 1, 2016 release, the supreme court reversed this court's decision in *Atwell*. See *Atwell v. State*, 41 Fla. L. Weekly S244 (Fla. May 26, 2016). Pursuant to the supreme court's decision, we reverse the sentence in this case and remand to the circuit court for resentencing.

GROSS, DAMOORGIAN and CONNER, JJ., concur.

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