

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

MERLE J. STOKES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-945

[January 4, 2017]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Dan L. Vaughn, Judge; L.T. Case No. 561991CF000970A.

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

Pamela Jo Bondi, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We reverse the order denying appellant's motion for postconviction relief and remand for resentencing pursuant to *Atwell v. State*, 197 So. 3d 1040 (Fla. 2016). Appellant is entitled to be resentenced pursuant to the sentencing provisions enacted in Chapter 2014–220, Laws of Florida. *Id.* at 1050; *Michel v. State*, No. 4D13-1123, 2016 WL 6626028, at *1 (Fla. 4th DCA Nov. 9, 2016) (certifying conflict with *Stallings v. State*, 198 So. 3d 1081 (Fla. 5th DCA 2016) and *Williams v. State*, 198 So. 3d 1084 (Fla. 5th DCA 2016)).

Reversed and remanded for resentencing.

GROSS, MAY and LEVINE, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.