

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**SAMUEL CALIXTE,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D17-0069

[October 18, 2017]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Charles E. Burton, Judge; L.T. Case No. 501998CF001758B.

Carey Haughwout, Public Defender, and Benjamin Eisenberg, Assistant Public Defender, West Palm Beach, for appellant.

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

**CONCESSION OF ERROR**

PER CURIAM.

On appeal, Appellant argues the trial court erred by imposing an upward departure sentence without articulating any grounds to justify the departure at resentencing. Based on the State's proper concession of error, we agree that the trial court erred by not articulating any findings to support departure from the permitted deviated sentence range as recommended by the original sentencing guidelines. *See Bryant v. State*, 148 So. 3d 1251, 1256 (Fla. 2014) (citing *Pope v. State*, 561 So. 2d 554, 555 (Fla. 1990)); *Boynton v. State*, 473 So. 2d 703, 704 (Fla. 4th DCA 1985), *approved*, 478 So. 2d 351 (Fla. 1985). Accordingly, we reverse and remand for resentencing.

*Reversed and Remanded.*

CIKLIN, CONNER and KLINGENSMITH, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***