

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JANUARY TERM 2005

MATTHEW HAWLEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

***NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR REHEARING.***

CASE NO. 4D03-4475

Opinion filed January 26, 2005

Appeal from the Circuit Court for the
Seventeenth Judicial Circuit, Broward County;
Michael G. Kaplan, Judge; L.T. Case No. 93-
20275 CF A.

Matthew Hawley, Arcadia, Pro Se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and James J. Carney, Assistant
Attorney General, West Palm Beach, for
appellee.

PER CURIAM.

Appellant was re-sentenced after successfully
moving to correct his initial sentence, which
exceeded the statutory maximum. We reverse
and remand the sentence imposed at re-
sentencing, because appellant was not
represented by counsel at re-sentencing and the
record does not show his knowing waiver of the
right to counsel. *See State v. Scott*, 439 So. 2d
219 (Fla. 1983); *Behrman v. State*, 696 So. 2d
811 (Fla. 2nd DCA 1997); *Chestnut v. State*, 578
So. 2d 27 (Fla. 5th DCA 1991)

REVERSED and REMANDED.

FARMER, C.J., SHAHOOD and TAYLOR, JJ.,
concur.