

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

STEVEN D. FIRESTONE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-1680

[September 26, 2007]

PER CURIAM.

Appellant moved to correct the sentence imposed upon his plea of no contest to criminal charges in four cases: Case Nos. 01-601, 01-661, 01-701, and 01-759. We affirm that portion of the order denying the motion to correct, which was based on the trial court's finding that the sentencing judge clearly pronounced that the five-year sentence imposed in Case No. 01-759 would be consecutive to the ten-year sentence in Case No. 01-661. However, because the trial court did not orally pronounce sentence in Case No. 01-601, we remand for resentencing in that case. See Fla. R. Crim. P. 3.700(b) ("Every sentence or other final disposition of the case shall be pronounced in open court . . .").

Affirmed in part, reversed in part, and remanded for resentencing.

KLEIN, TAYLOR and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; John E. Fennelly, Judge; L.T. Case No. 01-601 CFA.

Carey Haughwout, Public Defender, and Marcy K. Allen, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.