

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

STATE OF FLORIDA,
Appellant,

v.

RICHARD T. MICHELS,
Appellee.

No. 4D09-4696

[April 27, 2011]

ON MOTION FOR REHEARING

PER CURIAM.

We grant appellee's motion for rehearing. The language in our slip opinion, dated March 2, 2011, that directs the trial court to sentence appellee within the statutory guidelines is corrected as follows: On remand, the trial court should be again permitted to depart if it finds a legally sufficient reason to do so. *See Jackson v. State*, No. SC09-2383 2011 WL 536429 (Fla. Feb. 17, 2011).

POLEN, CIKLIN and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen Miller, Judge; L.T. Case No. 2009CF009289AXX.

Pamela Jo Bondi, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellant.

Carey Haughwout, Public Defender, and Richard B. Greene, Assistant Public Defender, West Palm Beach, for appellee.