

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

JAMES BONA,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

Nos. 4D10-797 and 10-798

[December 14, 2011]

GERBER, J.

The defendant appeals his judgment and sentence for violating his probation. We affirm the judgment without discussion. However, we reverse the sentence. Although the sentence was legally permissible, the circuit court erred in failing to renew the offer of counsel before sentencing. *See Capitaine v. State*, 58 So. 3d 438, 439 (Fla. 4th DCA 2011) (“Sentencing is a critical stage of a criminal proceeding, and a trial court must renew the offer of counsel even if the defendant has previously waived counsel.”) (citation omitted). We remand for resentencing after a renewal of the offer of counsel.

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

TAYLOR and DAMOORGIAN, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Susan Lebow, Judge; L.T. Case Nos. 99-1872CF10A and 02-13983CF10A.

Fred Haddad of Fred Haddad, P.A., Fort Lauderdale, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Mitchell A. Egber, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.