

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

DARRYLE MATTEAR,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D11-4854

[November 21, 2012]

PER CURIAM.

The defendant appeals the denial of a rule 3.800(a) motion to correct an illegal sentence. He is correct that because his offenses were committed prior to January 1, 1994, he could not be sentenced beyond the statutory maximum regardless of the range on his guidelines scoresheet. *Mays v. State*, 717 So. 2d 515 (Fla. 1998); *Buford v. State*, 870 So. 2d 128 (Fla. 2d DCA 2003). As the state acknowledges, the sentencing law in effect at the time of the crimes controls. *See Lamore v. State*, 86 So. 3d 546 (Fla. 2d DCA 2012).

Accordingly, the circuit court's order is reversed and this case is remanded for resentencing.

Reversed and Remanded.

MAY, C.J., GROSS and CONNER, JJ., concur.

* * *

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew Siegel, Judge; L.T. Case No. 93-9852 CF10A.

Darryle Mattear, Florida City, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melvin G. Mosier, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.