

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

VITO PAUL CITO, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D12-4656

Opinion filed October 17, 2014.

Appeal from the Circuit Court for Pasco  
County; Pat Siracusa, Judge.

Howard L. Dimmig, II, Public Defender, and  
Tim Bower Rodriguez, Special Assistant  
Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Dawn A. Tiffin, Assistant  
Attorney General, Tampa, for Appellee.

BLACK, Judge.

Vito Cito challenges his judgments and sentences for two counts of  
aggravated assault (counts III and IV) and one count of discharging a firearm from a

vehicle within 1000 feet of a person (count V). Cito argues, and the State concedes, that the court imposed an illegal sentence on count V. We agree and reverse. We affirm the remaining issues raised on appeal without comment.

Cito was convicted of discharging a firearm from a vehicle within 1000 feet of a person, a second-degree felony. See § 790.15(2), Fla. Stat. (2006). The offense is punishable by up to fifteen years' imprisonment. See § 775.082(3)(c), Fla. Stat. (2006). However, the trial court imposed a twenty-year sentence for this offense; this sentence is illegal. Therefore, we remand for resentencing as to this count.

Affirmed in part, reversed in part, and remanded.

SILBERMAN and KELLY, JJ., Concur.