

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JOHN SHIRLEY,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D01-3144
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed December 27, 2002.

Appeal from the Circuit Court for Pinellas  
County; Philip J. Federico, Judge.

James Marion Moorman, Public  
Defender, and Megan Olson, Assistant  
Public Defender, Bartow, for Appellant.

Richard E. Doran, Attorney General,  
Tallahassee, and Ronald Napolitano,  
Assistant Attorney General, Tampa,  
for Appellee.

COVINGTON, Judge.

John Shirley appeals the sentences that were imposed after this court  
remanded his case for resentencing. See Shirley v. State, 775 So. 2d 366 (Fla. 2d DCA  
2000). Shirley contends that the trial court improperly resentenced him using the 1995

sentencing guidelines even though the offenses occurred or began during the window period set forth in Heggs v. State, 759 So. 2d 620 (Fla. 2000), and Trapp v. State, 760 So. 2d 924 (Fla. 2000). The State properly confesses error. Shirley's sentences are therefore reversed, and this cause is remanded for resentencing under the guidelines that were valid on the dates of Shirley's offenses. See Trapp, 760 So. 2d at 928.

Reversed and remanded.

BLUE, C.J., and DAVIS, J., Concur.