

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSEPH L. HEATH,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-4514
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
)	
_____)	

Opinion filed April 12, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Daniel Lee Perry,
Judge.

LaROSE, Judge.

Joseph L. Heath appeals the summary denial of his motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). We reverse and remand for resentencing.

A jury convicted Mr. Heath of battery on a law enforcement officer and obstructing an officer with violence. He was sentenced as a violent career criminal to fifteen years in prison, with a ten-year mandatory minimum, for the obstruction charge.

He received a consecutive five-year prison term for the battery charge. Mr. Heath argues that the sentences are illegal because the charges arise from a single criminal episode. See Hale v. State, 630 So. 2d 521, 524-25 (Fla. 1993). The State agrees and concedes that Mr. Heath should be resentenced in accordance with Rodriguez v. State, 883 So. 2d 908 (Fla. 2d DCA 2004), and Kiedrowski v. State, 876 So. 2d 692 (Fla. 1st DCA 2004). Accordingly, we reverse the postconviction court's order summarily denying Mr. Heath's rule 3.800(a) motion and remand for resentencing.

Reversed and remanded for resentencing.

ALTENBERND and WALLACE, JJ., Concur.