

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

KERI SZEWCZYK,)	
)	
Appellant,)	
)	
v.)	Case No. 2D08-4441
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed August 21, 2009.

Appeal from the Circuit Court for Charlotte
County; Lynne E. Dailey, Judge.

James Marion Moorman, Public Defender,
and Tosha Cohen, Assistant Public
Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Diana K. Bock, Assistant
Attorney General, Tampa, for Appellee.

KHOUZAM, Judge.

Keri Szewczyk appeals her sentence of three years' incarceration followed by eight years' probation that was imposed upon the revocation of her probation. She correctly contends that the sentence was illegal because it exceeded the three-year suspended incarcerative component of the true split sentence that was originally

imposed for an offense she committed on August 8, 2003. See Sullivan v. State, 625 So. 2d 955 (Fla. 2d DCA 1993); see also Evans v. State, 730 So. 2d 768 (Fla. 1st DCA 1999). The State properly concedes that Szewczyk's sentence was illegal.

Accordingly, we reverse and remand for resentencing.

Reversed and remanded for resentencing.

WALLACE and LaROSE, JJ., Concur.