

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

WILLIE CHEAVES,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D09-78

Opinion filed October 28, 2009.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Manatee County; Janette Dunnigan,
Judge.

Willie Cheaves, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Dawn A. Tiffin,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

We reverse and remand appellant's sentence for rescoring with a
corrected guidelines scoresheet because the violation of probation in case number

95-524F was not before the court for resentencing. See Cheaves v. State, 761 So. 2d 1162 (Fla. 2d DCA 2000) (reciting the offenses in case number 95-3271F to be reconsidered for resentencing pursuant to Heggs v. State, 759 So. 2d 620 (Fla. 2000)). The court shall correct the scoresheet by deleting the point value from the "Release Program Violation" line. See Fla. R. Crim. P. 3.702(d)(1). The court shall forward the corrected scoresheet to the Department of Corrections.

Reversed and remanded, with instructions.

CASANUEVA, C.J., and SILBERMAN and LaROSE, JJ., Concur.