

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

BERNETTA WILLIAMS,)	
)	
Appellant,)	
)	
v.)	Case No. 2D01-527
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 14, 2001.

Appeal from the Circuit Court for
Hillsborough County; Jack Espinosa, Jr.,
Judge.

Bernetta Williams, pro se.

Robert A. Butterworth, Attorney General,
Tallahassee, and Dale E. Tarpley, Assistant
Attorney General, Tampa, for Appellee.

NORTHCUTT, Judge.

Bernetta Williams challenges the sentence imposed after she was
resentenced pursuant to Heggs v. State, 759 So. 2d 620 (Fla. 2000). At her resentencing

hearing, she attempted to argue that her guidelines scoresheet was incorrect for two reasons: first, because a juvenile adjudication had been improperly scored as prior record; and second, because victim injury points should have been scored as minor rather than moderate. She was not permitted to introduce evidence on the first point because the court and her own counsel agreed the issue was time-barred. Concerning her second point, although Williams's counsel did mention the victim's injuries were minor, no testimony was presented to support his assertion. The court impliedly rejected the argument when it sentenced Williams based on a scoresheet that included points for moderate victim injury. We reverse and remand for resentencing.

Once a circuit court determines that resentencing is appropriate, a defendant is entitled to a de novo sentencing hearing with the full array of due process rights. This rule applies to a Heggs resentencing. Webb v. State, 26 Fla. L. Weekly D2198 (Fla. 2d DCA Sept. 12, 2001); see also St. Lawrence v. State, 785 So. 2d 728 (Fla. 5th DCA 2001). Williams was entitled to present relevant sentencing evidence for the court's consideration. Webb. Because the court rejected her arguments without hearing evidence, we reverse and remand for a new sentencing hearing.

Reversed and remanded.

BLUE, C.J., and RAMSBERGER, PETER M., ASSOCIATE JUDGE, Concur.