

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ROBERT PRATER,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
_____)

Case No. 2D11-3743

Opinion filed May 22, 2013.

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

Robert Prater, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ronald Napolitano,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

For the reasons expressed in Sheppard v. State, No. 2D11-2651, slip op.
(Fla. 2d DCA May 22, 2013), also issued on this date, we reverse the order of the
postconviction court and remand for resentencing. Prater's forty-year sentence, on
which only a twenty-five-year minimum mandatory term was imposed, impermissibly

exceeds the thirty-year statutory maximum permitted under section 775.082(3)(b), Florida Statutes (2002), and is therefore illegal. See McLeod v. State, 52 So. 3d 784, 786 (Fla. 5th DCA 2010); see also Mendenhall v. State, 48 So. 3d 740, 742 (Fla. 2010); Wooden v. State, 42 So. 3d 837, 837 (Fla. 5th DCA 2010).

Reversed and remanded.

DAVIS, KELLY, and BLACK, JJ., Concur.