

Third District Court of Appeal

State of Florida

Opinion filed September 22, 2021.

No. 3D20-511
Lower Tribunal Nos. F19-10620, F18-13268

Luigi Rick Arce,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Cristina Miranda, Judge.

Carlos J. Martinez, Public Defender and Susan S. Lerner, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Sandra Lipman, Assistant Attorney General, for appellee.

Before LOGUE, GORDO and BOKOR, JJ.

PER CURIAM.

ON CONFESSION OF ERROR

Luigi Rick Arce appeals his sentence after a plea on a probation violation. The State concedes that “it was error to assess 24 community sanction violation points for a new felony when a new felony was not the basis for the violation.” As “the reviewing court cannot determine conclusively from the record that the trial court would have imposed the same sentence despite the erroneous scoresheet, remand for resentencing is required.” State v. Anderson, 905 So. 2d 111, 116 (Fla. 2005).

Reversed and remanded.