IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, 2001

KEVIN BURT, **

Appellant, **

vs. ** CASE NO. 3D00-2188

THE STATE OF FLORIDA, ** LOWER

TRIBUNAL NO. 00-1329

Appellee. **

Opinion filed August 22, 2001.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Dade County, Barbara S. Levenson, Judge.

Kevin Burt, in proper person.

Robert A. Butterworth, Attorney General, for appellee.

Before JORGENSON, GODERICH and SORONDO, JJ.

CONFESSION OF ERROR

PER CURIAM.

Pursuant to the State's confession of error, we reverse the trial court's order denying the defendant's motion to correct illegal sentence and remand for resentencing. The State

properly concedes that because the defendant was sentenced as a violent career criminal and committed his crimes on February 1, 1996, he has standing to challenge the law under which he was sentenced. See Salters v. State, 758 So. 2d 667, 671 (Fla. 2000). Therefore, this cause is remanded for resentencing in accordance with the valid laws in effect on the date of the defendant's offenses. See Thompson v. State, 750 So. 2d 643, 649 (Fla. 1999); Lee v. State, 770 So. 2d 231, 232 (Fla. 3d DCA 2000).

Reversed and remanded for resentencing.