

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

WILLIE THOMAS,

**

Appellant,

**

vs.

** CASE NO. 3D01-761

THE STATE OF FLORIDA,

** LOWER

TRIBUNAL NO. 93-42993

Appellee.

**

Opinion filed August 22, 2001.

An Appeal under Fla.R.App.P. 9.141(b)(2) from the Circuit
Court for Dade County, Scott J. Silverman, Judge.

Willie Thomas, in proper person.

Robert A. Butterworth, Attorney General and Kristine
Keaton (Fort Lauderdale), Assistant Attorney General, for
appellee.

Before SCHWARTZ, C.J., and COPE and SORONDO, JJ.

PER CURIAM.

As the state has agreed, the life sentence imposed upon the
appellant as a habitual violent felony offender for the crime of
burglary with an assault with a deadly weapon is vacated, see
Thomas v. Singletary, 751 So. 2d 66 (Fla. 2d DCA 1999); Klein v.

State, 731 So. 2d 115 (Fla. 2d DCA 1999), and the cause is remanded for resentencing as to that offense alone. His life sentence with minimum mandatory provisions as a habitual violent felony offender as to the offense of armed robbery was, however, correct, see § § 775.084(1)(b), (4)(a), Fla. Stat. (1995); § 812.13(2)(a), (b), Fla. Stat. (1995); Raulerson v. State, 609 So. 2d 1301 (Fla. 1992); Lovett v. State, 773 So. 2d 574 (Fla. 3d DCA 2000), and the denial of relief below as to that sentence is affirmed.

Affirmed in part, reversed in part.