

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. 2003

KEVIN LEE WASHINGTON,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-2281
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NOS. 99-7635, 99-5206, 99-3392
	**	

Opinion filed July 9, 2003.

An Appeal from the Circuit Court for Miami-Dade County, Marc Schumacher, Judge.

Bennett H. Brummer, Public Defender, and Andrew Stanton, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Douglas J. Glaid (Ft. Lauderdale), Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., GODERICH and SHEVIN, JJ.

PER CURIAM.

We reverse the order denying defendant's motion to correct illegal sentence. As the state properly concedes, defendant does not qualify for sentencing as a violent career criminal.

Accordingly, we vacate defendant's sentence and remand for re-sentencing without regard to violent career criminal or violent habitual offender sentencing statutes.

Order reversed; sentence vacated.