

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2004

OMAR CASADO,

\*\*

Appellant,

\*\*

CASE NO. 3D03-7

\*\*

vs.

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LOWER TRIBUNAL

THE STATE OF FLORIDA,

\*\*

CASE NO. F97-39362A

Appellee.

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Opinion filed June 9, 2004.

An appeal from the Circuit Court of Miami-Dade County, Ronald C. Dresnick, Judge.

Bennett H. Brummer, Public Defender and Bruce A. Rosenthal, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Paulette R. Taylor, Assistant Attorney General, for appellee.

Before COPE, GERSTEN, and FLETCHER, JJ.

CONFESSION OF ERROR

PER CURIAM.

Upon the state's proper confession of error we reverse the

sentence imposed and remand for resentencing as the trial court violated Rule 3.720(b), Florida Rules of Criminal Procedure.<sup>1</sup> On remand the trial court shall afford Casado the benefits of the rule. The defendant, of course, shall be present at resentencing.

We reject Casado's self-defense or defense of others contention. See State v. James, 867 So. 2d 414 (Fla. 3d DCA 2003).

Casado's sentence is reversed and remanded. The cause is otherwise affirmed.

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Which reads:

"The court shall entertain submissions and evidence by the parties that are relevant to the sentence."