

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. 2003

TIMOTHY MORROW,	**	
Appellant,	**	
vs.	**	CASE NO. 3D04-128
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 96-30265

Opinion filed May 5, 2004.

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

Bennett H. Brummer, Public Defender and Roy A. Heimlich, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General and Consuelo Maingot, Assistant Attorney General, for appellee.

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

PER CURIAM.

The order denying post-conviction relief from the appellant's sentence is reversed and the cause remanded for sentencing by another judge. *Wilson v. State*, 845 So. 2d 142 (Fla. 2003); *Smith v. State*, 842 So. 2d 1047 (Fla. 3d DCA 2003), and cases cited.