

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2005

LEROY WILSON,

**

Appellant,

**

vs.

** CASE NO. 3D05-990

THE STATE OF FLORIDA,

**

Appellee.

** LOWER
TRIBUNAL NO. 95-38735
**

Opinion filed July 27, 2005.

An Appeal under Florida Rule of Appellate Procedure 9.141(b) (2) from the Circuit Court for Miami-Dade County, Henry Leyte-Vidal, Judge.

Leroy Wilson, in proper person.

Charles J. Crist, Jr., Attorney General, and William J. Selinger, Assistant Attorney General, for appellee.

Before GREEN, RAMIREZ, and WELLS, JJ.

CONFESSION OF ERROR

PER CURIAM.

Leroy Wilson appeals from denial of a 3.800 motion in which he claimed that his sentence as a habitual violent felony offender (HVFO) was illegal. Based on the State's concession

that Wilson's sentence as a HVFO is illegal because Wilson has never been convicted of one of the predicate offenses enumerated in section 775.084 (1)(b)1, Florida Statutes (2000), we vacate the HVFO sentence imposed and remand for resentencing.