

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed December 17, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-1175  
Lower Tribunal No. 90-51067

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**Robert Whitchard,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

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

Robert Whitchard, in proper person.

Bill McCollum, Attorney General, and Nicholas Merlin, Assistant Attorney General, for appellee.

Before CORTIÑAS and SALTER, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

## ON CONFESSION OF ERROR

Based on the State's proper confession of error, we reverse the order

granting in part, and denying in part, the defendant's motion to correct illegal sentence. We remand the cause to the trial court pursuant to Langdon v. State, 947 So. 2d 460, 461 (Fla. 3d DCA 2007). On remand, the court shall attach portions of the record to refute defendant's allegations and shall issue an order clarifying the relief granted.

Reversed and remanded.