

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2002

RONALD L. AKINS,

**

Appellant,

**

vs.

** CASE NO. 3D01-2027

THE STATE OF FLORIDA,

** LOWER

Appellee.

** TRIBUNAL NO. 00-14688

**

Opinion filed May 8, 2002.

An Appeal from the Circuit Court for Miami-Dade County, Ronald C. Dresnick, Judge.

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

Robert A. Butterworth, Attorney General, and Marni A. Bryson, Assistant Attorney General, for appellee.

Before JORGENSON, SHEVIN and SORONDO, JJ.

CONFESSION OF ERROR

PER CURIAM.

The state correctly concedes that the trial court's sentence of ten years incarceration on each count of the information, to run concurrently, exceeded the statutorily permissible maximum. Each count charged in this case is a third degree felony punishable by a maximum of five years in state prison. Accordingly, we reverse

defendant's sentence and remand for re-sentencing. Defendant will be present and represented by counsel at his resentencing.

Reversed and remanded with instructions.