

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2003

DAVID MOORE,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-2734
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 91-20192; 91-2158
		91-27193;
		92-13839

Opinion filed January 15, 2003.

An appeal from the Circuit Court for Miami-Dade County, Marc Schumacher, Judge.

David Moore, in proper person.

Charlie Crist, Attorney General and John Barker, Assistant Attorney General, for appellee.

Before LEVY, GREEN, and RAMIREZ, JJ.

PER CURIAM.

CONFESSION OF ERROR

This is an appeal from the denial of a motion to correct an

illegal sentence imposed after the revocation of the appellant's probation. The state commendably and correctly concedes that not only was the sentencing guideline scoresheet incorrectly calculated, but there are a host of other errors which are apparent from the face of the record such as the mischaracterizations of the degrees of the various felonies committed by the appellant and, the omission of some of the appellant's prior convictions. Moreover, as a result of the miscalculations in the scoresheet, it appears that the trial court imposed a departure sentence for which no reasons were given, without being aware that it was doing so.

For these reasons, we therefore reverse and remand for a resentencing hearing. Since the trial court believed that the sentence imposed was within the guidelines and did not consider whether a departure sentence was warranted, upon remand, we agree with the state that the trial court is not precluded from considering whether a departure sentence is warranted. See State v. Betancourt, 552 So. 2d 1107, 1108 (Fla. 1989).

Reversed and remanded for further proceedings.