

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DEON CORNELL GILCHRIST,

Appellant,

v.

Case No. 5D18-3545

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 1, 2019

3.800 Appeal from the Circuit Court
for Seminole County,
Melanie Chase, Judge.

Deon Cornell Gilchrist, Perry,
pro se.

Ashley Moody, Attorney General,
Tallahassee, and Allison L. Morris,
Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Deon Cornell Gilchrist appeals the partial denial of his motion to correct sentence pursuant to Florida Rule of Criminal Procedure 3.800(a). Gilchrist, who was seventeen years old at the time of his offenses, entered guilty pleas to robbery with a firearm in Seminole County Circuit Court Case Nos. 06-CF-4508-B and 06-CF-4509-B. Gilchrist was sentenced to concurrent terms of twenty-five years in prison on both cases. In his

rule 3.800(a) motion, Gilchrist argued that he was entitled to a full resentencing hearing and judicial review of his sentence. The trial court granted Gilchrist's motion in part, amending the sentencing documents to allow for juvenile sentence review hearings, but denied Gilchrist a new resentencing hearing.

This Court has previously held that it is error to modify a juvenile defendant's sentence to allow for a review hearing without also holding a resentencing hearing under sections 775.082, 921.1401 and 921.1402, Florida Statutes. See, e.g., Ruiz v. State, 242 So. 3d 1204 (Fla. 5th DCA 2018); Katwaroo v. State, 237 So. 3d 446 (Fla. 5th DCA 2018); Davis v. State, 230 So. 3d 487 (Fla. 5th DCA 2017). Gilchrist's situation is identical. Accordingly, we affirm the trial court's order amending the sentences to provide for a review hearing, but reverse and remand to allow the court to conduct a full resentencing hearing. We also affirm the denial of relief as to the eleven-year sentence imposed in Seminole County Circuit Court Case No. 06-CF-2921-B without further discussion.

AFFIRMED in part; REVERSED in part; and REMANDED.

EVANDER, C.J., ORFINGER and COHEN, JJ., concur.