

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



Appellant,

v.

Case No. 5D21-2726  
LT Case No. 2020-CF-001303-A

STATE OF FLORIDA,

Appellee.

---

Opinion filed November 18, 2022

Appeal from the Circuit Court  
for Osceola County,  
Mikaela Nix-Walker, Judge.

Robert David Malove, of The Law  
Office of Robert David Malove, P.A.,  
Fort Lauderdale, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Kaylee D. Tatman,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

ON CONFESSION OF ERROR

██████████ appeals from the trial court's denial of his motion to correct sentence under Florida Rule of Criminal Procedure 3.800(b). Based on the State's proper confession of error and our independent review, we reverse with directions to the trial court to reinstate ██████████ initial sentence. The trial court violated ██████████ rights against double jeopardy when, on its own initiative, it enhanced his sentence sixty days after imposing it. See *Ashley v. State*, 850 So. 2d 1265, 1267 (Fla. 2003); *Shepard v. State*, 940 So. 2d 545, 548 (Fla. 5th DCA 2006). Black's presence is not required for this ministerial act.

REVERSED and REMANDED with INSTRUCTIONS.

SASSO, TRAVER and NARDELLA, JJ., concur.