

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

KODI LONSHAY HAYNES,
Appellant,

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

v.

CASE NO. 02-1958

STATE OF FLORIDA,
Appellee.

Opinion filed May 1, 2003.

An appeal from the Circuit Court for Escambia County.
Honorable Kim A. Skievaski, Judge.

Nancy A. Daniels, Public Defender; David P. Gauldin, Assistant Public Defender,
Tallahassee, for Appellant.

Charlie Crist, Attorney General; Sherri T. Rollison, Assistant Attorney General,
Tallahassee, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The departure sentence is REVERSED and REMANDED with directions
that the trial court impose a guidelines sentence. See Butler v. State, 765 So. 2d
274 (Fla. 1st DCA 2000).

BOOTH and POLSTON, JJ., concur; BENTON, J., dissents.