

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

JEREMY DEWAYNE FOXWORTH, NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
Appellant, DISPOSITION THEREOF IF FILED

v. CASE NO. 1D06-2401

STATE OF FLORIDA,

Appellee.
_____ /

Opinion filed June 29, 2007.

An appeal from the circuit court for Escambia County.
Michael Jones, Judge.

Nancy A. Daniels, Public Defender, and Archie F. Gardner, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Judy Bone, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

In this direct criminal appeal, appellant, who was originally sentenced as a youthful offender and successfully completed the Department of Corrections' boot camp program, challenges as illegal his 76.5-month sentence imposed following revocation of his community control. He contends that he could not legally be

sentenced to a term of more than 364 days following revocation of his community control. The state concedes error. We agree. See §§ 958.045(5)(c) & 958.04(2)(b), Fla. Stat. (2001); Thomas v. State, 825 So. 2d 1032 (Fla. 1st DCA 2002). Accordingly, we reverse appellant's 76.5-month sentence, and remand for resentencing, with directions that the sentence imposed not exceed 364 days, although it may be imposed to run consecutively to his 56-month sentence.

REVERSED and REMANDED, with directions.

WEBSTER, LEWIS, and THOMAS, JJ., CONCUR.