

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

GREGORY CHARLES BURKE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D08-3474

Opinion filed June 22, 2010.

An appeal from the Circuit Court for Walton County.
Kelvin C. Wells, Judge.

Michael Ufferman, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Michael T. Kennett, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

We affirm appellant's convictions for false swearing to any oath or false
certification of nomination and submission of false voter registration information.

However, as conceded by the State, the trial court did err in failing to conduct an inquiry pursuant to Faretta v. California, 422 U.S. 806 (1975), at appellant's sentencing hearing. "Sentencing is a crucial stage of a criminal proceeding, so that the offer of assistance of counsel must be renewed then, even if the defendant has previously waived counsel at other stages." Travis v. State, 969 So. 2d 532, 533 (Fla. 1st DCA 2007); see also Descault v. State, 20 So. 3d 990 (Fla. 1st DCA 2009). We affirm appellant's convictions but strike his sentence and remand for resentencing following a proper *Faretta* inquiry.

AFFIRMED in part, REVERSED in part, and REMANDED.

DAVIS, VAN NORTWICK, and ROWE, JJ., CONCUR.