

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

JASON ERIC CUNNINGHAM,

Appellant,

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

v.

CASE NO. 1D11-4326

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 23, 2012.

An appeal from the Circuit Court for Duval County.
Adrian G. Soud, Judge.

Nancy A. Daniels, Public Defender, and Joel Arnold, Assistant Public Defender,
Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Donna A. Gerace, Assistant Attorney
General, for Appellee.

PER CURIAM.

Appellant, who represented himself at his violation of probation hearing,
argues the trial court violated his right to counsel by failing to renew an offer of
counsel before imposing sentence. *See Traylor v. State*, 596 So. 2d 957, 968 (Fla.

1992) (stating that a defendant has the right to assistance of counsel at each crucial stage of the proceedings); *Lewis v. State*, 31 So. 3d 944, 945 (Fla. 1st DCA 2010) (holding that Florida Rule of Criminal Procedure 3.111(d)(5) requires trial court to renew offer of counsel at sentencing phase); *Travis v. State*, 969 So. 2d 532, 533 (Fla. 1st DCA 2007) (“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.”). The State properly concedes error. Accordingly, we VACATE Appellant’s sentence and REMAND for resentencing.

PADOVANO, MARSTILLER, and ROWE, JJ., CONCUR.