



Denapoli v. State

777 So.2d 1000 (2000) | Cited 0 times | District Court of Appeal of Florida | December 13, 2000

Appeal from the Circuit Court for Pinellas County; Brandt C. Downey, III, Judge.

Andrew Denapoli appeals his conviction and sentence for second-degree murder. After considering the numerous briefs and supplements to the record on appeal, we have thoroughly reviewed all challenges to the conviction and sentence. We affirm Mr. Denapoli's conviction without discussion but remand for reconsideration of his sentence.

Mr. Denapoli was sentenced under the 1995 sentencing guidelines. The date of his offense, October 3, 1996, falls within the window for relief under *Heggs v. State*, 759 So. 2d 620 (Fla. 2000). See *Trapp v. State*, 760 So. 2d 924 (Fla. 2000) (holding window period is October 1, 1995, to May 24, 1997). Accordingly, we remand for the trial court to consider Mr. Denapoli's sentence under the 1994 sentencing guidelines. See *Smith v. State*, 761 So. 2d 419, 422 (Fla. 2d DCA 2000).

Conviction affirmed; sentence remanded.

ALTENBERND, A.C.J., and FULMER, J., Concur.

