

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2022-4060

RAYNE EASTON SZWEC,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Santa Rosa County.
Clifton A. Drake, Judge.

January 2, 2025

RAY, J.

Rayne Easton Szwec challenges his convictions for burglary of a dwelling while armed with a firearm and possession of a firearm by a convicted felon from another state. He argues, in part, that the trial court committed reversible error by holding a bench trial without obtaining a valid waiver of his right to a jury trial. We accept the State's confession of error. Because the record does not contain a written waiver from Szwec or any showing that he orally waived his right to a jury trial after a proper colloquy with the trial court, we must reverse his judgment, vacate his sentence, and remand for a new trial. *See Johnson v. State*, 994 So. 2d 960, 963 (Fla. 2008); *Torres v State*, 43 So. 3d 831, 833 (Fla. 1st DCA 2010); *Sansom v. State*, 642 So. 2d 631, 632 (Fla. 1st DCA 1994). In view of the foregoing, we need not reach the remaining issues.

REVERSED in part, VACATED in part, and REMANDED.

B.L. THOMAS and NORDBY, JJ., concur.

***Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.***

Jessica J. Yeary, Public Defender, and Danielle Jorden, Assistant
Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Zachary F. Lawton,
Assistant Attorney General, Tallahassee, for Appellee.