

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

SAMUEL FULTON,

Appellant,

v.

Case Nos. 5D13-2279; 5D13-
2280; 5D13-2286; 5D13-2287; &
5D13-2288

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 3, 2014.

Appeal from the Circuit Court
for Brevard County,
Charles J. Roberts, Judge.

James S. Purdy, Public Defender,
and Kathryn Rollison Radtke, Assistant
Public Defender, Daytona Beach,
for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Marjorie Vincent-Tripp,
Assistant Attorney General, Daytona
Beach, for Appellee.

WALLIS, J.

Appellant, Samuel Fulton, appeals his convictions for possession of cocaine and possession of cocaine with intent to sell. The State concedes error and acknowledges that Fulton's convictions violate his right against double jeopardy because both crimes

arose out of a single criminal episode. See Paccione v. State, 698 So. 2d 252, 254 (Fla. 1997). Accordingly, we vacate Appellant's conviction and sentence for simple possession of cocaine and affirm his judgment and sentence in all other respects. See Ford v. State, 749 So. 2d 570 (Fla. 5th DCA 2000).

AFFIRMED in part; REVERSED in part.

EVANDER and COHEN, JJ., concur.