

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

LEON D. HANKINS,

Appellant,

v.

Case No. 5D14-624

STATE OF FLORIDA,

Appellee.

/

Opinion filed May 22, 2015

Appeal from the Circuit Court
for Orange County,
Roger J. McDonald, Judge.

James S. Purdy, Public Defender, and
Leonard R. Ross, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Leon Hankins timely appeals his judgment and sentences for attempted first-degree murder with a firearm, burglary of a dwelling with an assault or battery with a firearm, arson of a dwelling, aggravated battery with a firearm, and aggravated assault with a firearm. He argues his convictions for aggravated battery with a firearm and

aggravated assault with a firearm violate double jeopardy because they were subsumed into the greater offense of burglary of a dwelling with an assault or battery with a firearm. The State properly concedes error. See McGhee v. State, 133 So. 3d 1137, 1138–39 (Fla. 5th DCA 2014) (reversing conviction for aggravated assault with a firearm because it was subsumed into the greater offense of burglary of a dwelling with an assault or battery while armed with a firearm where offenses involved the same victim and occurred in the same incident); Farrier v. State, 145 So. 3d 199, 199–200 (Fla. 5th DCA 2014) ("[reversing] both convictions for aggravated assault with a firearm because they were subsumed into the greater offense of burglary of a dwelling with an assault or battery with a firearm.") We, therefore, reverse the convictions for aggravated battery with a firearm and aggravated assault with a firearm and remand to the trial court for entry of a corrected judgment. McGee, 133 So. 3d at 1139. The remaining convictions are affirmed.

AFFIRMED in part; REVERSED in part; REMANDED TO CORRECT JUDGMENT.

TORPY, C.J., PALMER and BERGER, JJ., concur.