

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

JAMMIE SIMMONS,

Appellant,

v.

Case No. 5D15-4529

STATE OF FLORIDA,

Appellee.

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Opinion filed March 10, 2017

Appeal from the Circuit Court  
for Putnam County,  
Clyde E. Wolfe, Judge.

James S. Purdy, Public Defender, and  
Brittany O'Neil, Assistant Public Defender,  
Daytona Beach, for Appellant.

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

PER CURIAM.

Jammie Simmons timely appeals his convictions and sentences for aggravated assault on a law enforcement officer with a firearm, possession of a firearm by a convicted felon, possession of cocaine, and two separate counts of resisting arrest. Simmons raises three issues on appeal, arguing that the trial court erred in: 1) denying his motion

to withdraw plea; 2) denying his motion for appointment of counsel; and 3) imposing two consecutive mandatory minimum sentences. We affirm on the first two issues without further discussion.

As to the sentencing issue, the State properly concedes error. See Williams v. State, 186 So. 3d 989, 993 (Fla. 2016) (holding that consecutive sentences of mandatory minimum terms for multiple firearm offenses are impermissible if the offenses arose from the same criminal episode and the firearm was not discharged). In the instant case, the trial court imposed consecutive mandatory minimum sentences for the aggravated assault and possession of a firearm by a convicted felon charges. The State concedes that these two charges stemmed from the same criminal episode. Accordingly, we reverse and remand with instructions to impose the mandatory minimum sentences concurrently rather than consecutively.

AFFIRMED in part; REVERSED in part; REMANDED.

SAWAYA and TORPY, JJ., and JACOBUS, B.W., Senior Judge, concur.