

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

JULY TERM 2013

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

DAVID FIGGS,

Appellant,

v.

Case No. 5D11-4221

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 18, 2013

Appeal from the Circuit Court
for Orange County,
Bob Leblanc, Judge.

James S. Purdy, Public Defender, and
Kevin R. Holtz, Assistant Public Defender,
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ann M. Phillips,
Assistant Attorney General, Daytona
Beach, for Appellee.

PALMER, J.

David Figgs (defendant) timely appeals his sentences for carjacking with a firearm¹, aggravated assault², and armed robbery.³ He contends that the trial court committed fundamental error in adjudicating him guilty and sentencing him on both the

¹ § 812.133, Fla. Stat. (2013).

² § 784.021, Fla. Stat. (2013).

³ § 812.13(1)-(2)(a), Fla. Stat. (2013).

armed robbery and the carjacking with a firearm charges because the only item he took from the victim was the key to the car that he carjacked. The State properly concedes that the defendant's dual convictions violate double jeopardy. See Hanfield v. State, 40 So. 3d 905 (Fla. 4th DCA 2010); Prince v. State, 816 So. 2d 738 (Fla. 3d DCA 2002). Therefore, we reverse the defendant's conviction for carjacking with a firearm and direct the trial court to vacate that conviction and sentence. We affirm the defendant's other convictions and sentences.

AFFIRMED in part; REVERSED in part; REMANDED.

ORFINGER and BERGER, JJ., concur.