

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

JANUARY TERM 2013

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

JASON THOMAS ALTMAN,

Appellant,

v.

Case No. 5D12-3472

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 24, 2013

Appeal from the Circuit Court for
Orange County,
Reginald K. Whitehead, Judge.

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

Pamela Jo Bondi, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

The State properly concedes that Altman's convictions for domestic violence battery¹ and battery² violate double jeopardy. On remand, the trial court is directed to vacate the conviction for simple battery (Count I).

AFFIRMED, in part; REVERSED, in part; and REMANDED.

SAWAYA, EVANDER and BERGER, JJ., concur.

¹§§ 784.03, 741.28, Fla. Stat. (2011).

²§ 784.03, Fla. Stat. (2011).