

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

DECIUS GENE JULES,

Appellant,

v.

Case No. 5D12-487

STATE OF FLORIDA,

Appellee.

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Opinion filed February 8, 2013

Appeal from the Circuit Court  
for Orange County,  
Julie H. O'Kane, Judge.

James S. Purdy, Public Defender, and  
Noel A. Pelella, 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.

The State properly concedes error on Appellant's claim that his home-invasion-robbery charge violates double jeopardy in that it arose from the same episode as Appellant's burglary-with-an-assault-or-battery charge. Accordingly, we reverse the judgment and sentence on the home-invasion charge and remand this cause for further proceedings as warranted. In all other respects, we affirm.

AFFIRM in part; REVERSED in part; and REMANDED.

GRIFFIN, TORPY and JACOBUS, JJ., concur.