

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

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

RODANA ROBINSON,

Appellant,

v.

CASE NO. 1D08-1845

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 14, 2009.

An appeal from the Circuit Court for Duval County.
Charles W. Arnold, Judge.

Nancy A. Daniels, Public Defender, and M. J. Lord, Assistant Public Defender,
Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Christine A. Guard, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant challenges her conviction and sentence for armed burglary. We find no error as to the conviction but determine that there was insufficient evidence that appellant was in possession of a firearm during the burglary to support

imposition of the mandatory minimum sentence under section 775.087, Florida Statutes (2007). See Bolden v. State, 4 So. 3d 788 (Fla. 1st DCA 2009). Accordingly, we affirm the judgment but reverse the imposition of the mandatory minimum sentence and remand to the trial court for resentencing.

AFFIRMED in part; REVERSED in part; and REMANDED with instructions.

HAWKES, C.J., LEWIS and THOMAS, JJ., CONCUR.