

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

SHAMEEN A. DEAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D10-0230

Opinion filed January 24, 2011.

An appeal from the Circuit Court for Duval County.

Michael R. Weatherby, Judge.

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

Pamela Jo Bondi, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant was tried by jury and convicted of one count of first-degree murder, two counts of armed robbery, and one count of armed burglary. The

appellant was sentenced to four concurrent terms of life imprisonment with a mandatory minimum sentence of life imprisonment. We affirm all four convictions, but reverse and remand for entry of the correct mandatory minimum sentences on the armed robbery and armed burglary convictions.

On the verdict form, the jury specifically found that the appellant discharged a firearm during the commission of the armed robberies and the armed burglary and, as the result of the discharge, caused the death of Gilberto Larios. At the sentencing hearing, the State correctly informed the trial court that a defendant who discharges a firearm during the commission of certain enumerated felonies, including robbery and burglary, and, as the result of the discharge, causes the death of any person shall be sentenced to a mandatory minimum sentence of 25 years' imprisonment. See § 775.087(2)(a)3., Fla. Stat. (2008); Hoover v. State, 877 So. 2d 751 (Fla. 1st DCA 2004). Nevertheless, the trial court imposed mandatory minimum life sentences for the armed robbery and armed burglary convictions. This was error. Accordingly, we reverse the mandatory minimum sentences for the armed robbery and armed burglary convictions and remand for entry of the mandatory minimum sentences required by section 775.087(2)(a)3.

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

VAN NORTWICK, LEWIS, and ROBERTS, JJ., CONCUR.