

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

LEONARD ASKEW,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-73

May 2, 2007

PER CURIAM.

The state acknowledges that Appellant's sentence as to count II must be vacated because he was not on probation on that count. We reverse and remand for modification accordingly. In all other respects, the judgment and sentence are affirmed.

GUNTHER, STONE and FARMER, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward Garrison, Judge; L.T. Case No. 00-7510 CF 10 A02.

Carey Haughwout, Public Defender, and Paul E. Petillo, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing