

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JACKIE KENNEDY, )  
)  
Appellant, )  
)  
v. )  
)  
STATE OF FLORIDA, )  
)  
Appellee. )  
\_\_\_\_\_)

Case No. 2D13-6148

Opinion filed February 6, 2015.

Appeal from the Circuit Court for Polk  
County; Michael E. Raiden, Judge.

Howard L. Dimmig, II, Public Defender,  
and Timothy E. Ferreri, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Susan D. Dunlevy,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

Jackie Kennedy appeals her sentence of ten years' probation as a  
habitual felony offender for her felony petit theft conviction in circuit court case number  
2011-CF-9916. The State appropriately concedes error, as the crime of felony petit  
theft is not subject to enhancement under the habitual offender statute. See Ridley v.

State, 702 So. 2d 559, 559-60 (Fla. 2d DCA 1997) (holding that the legislature amended section 812.014(2)(d), Florida Statutes, now renumbered as section 812.014(3)(c), in 1992 to omit habitual offender penalties for the crime of felony petit theft). Accordingly, we reverse the sentence imposed for felony petit theft in case number 2011-CF-9916 and remand to the trial court for resentencing.

Reversed and remanded.

ALTENBERND, KELLY, and KHOUZAM, JJ., Concur.