

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MATTHEW FOWLER,)	
)	
Appellant)	
)	
v.)	Case No. 2D05-1669
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed May 12, 2006.

Appeal from the Circuit Court
for Hillsborough County;
J. Rogers Padgett, Judge.

James Marion Moorman,
Public Defender, and
Clark E. Green, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Elba Caridad Martin,
Assistant Attorney General, Tampa,
for Appellee.

CANADY, Judge.

Matthew Fowler appeals his conviction after jury trial of carrying a
concealed weapon by a violent career criminal. Relying on Williams v. State, 776 So.

2d 358 (Fla. 1st DCA 2001), Fowler argues that his conviction is erroneous because he did not qualify as a violent career criminal. The State concedes that Fowler's conviction should be reversed.

Based on the State's confession of error, we reverse Fowler's conviction and sentence and remand for the trial court to enter a judgment and impose a sentence for the lesser-included offense of carrying a concealed weapon by a convicted felon under section 790.23, Florida Statutes (2003). See Williams, 776 So. 2d at 359.

Reversed and remanded.

ALTENBERND and NORTHCUTT, JJ., Concur.