

Third District Court of Appeal

State of Florida

Opinion filed August 12, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1157
Lower Tribunal No. 17-9386

Jeffrey Lagrandeur,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge.

Carlos J. Martinez, Public Defender, and Shannon Hemmendinger, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Brian H. Zack, Assistant Attorney General, for appellee.

Before FERNANDEZ, LOGUE, and LOBREE, JJ.

PER CURIAM.

The judgment on appeal improperly classified the attempted second-degree murder with a firearm as a life felony when it should have been classified as a first-degree felony. While the attempt to commit a first-degree felony, such as second-degree murder, is a felony of the second degree, § 774.04(4)(c), Fla. Stat., the use of the firearm elevates the second-degree felony to a first-degree felony under section 775.087(1). On this point, we reverse and remand with instructions to correct the judgment. In all other respects, we affirm.