

Third District Court of Appeal
State of Florida, January Term, A.D. 2011

Opinion filed June 1, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-2224
Lower Tribunal No. 07-9958

Alfred Cardonne,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Julio Jimenez,
Judge.

Evan H. Baron (Weston), for appellant.

Pamela Jo Bondi, Attorney General, and Douglas J. Glaid, Senior Assistant
Attorney General, for appellee.

Before SHEPHERD, CORTIÑAS, and SALTER, JJ.

SHEPHERD, J.

The defendant, Alfred Cardonne, appeals his dual convictions and sentences for grand theft of over \$100,000 and organized scheme to defraud \$50,000 or more. As in Pizzo v. State, 945 So. 2d 1203, 1206-07 (Fla. 2006), we vacate the defendant's conviction for grand theft as a lesser included offense of his conviction for organized fraud; it being settled in Florida that where convictions for grand theft and organized fraud are based upon the same conduct, "double jeopardy principles preclude convictions for both" and "the appellate court should reverse the lesser offense conviction and affirm the greater." Id. at 1206 (citing State v. Barton, 523 So. 2d 152, 153 (Fla. 1988)). We find no merit on any of the other issues raised.

Affirmed in part, and reversed in part with directions to vacate the defendant's conviction for the lesser included offense of grand theft. The defendant need not be present.