

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

ROBERT THOMAS POTCHEN,

Appellant,

v.

Case No. 5D14-4336

STATE OF FLORIDA,

Appellee.

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Opinion filed March 23, 2018

Appeal from the Circuit Court  
for Orange County,  
Timothy R. Shea, Judge.

Robert Thomas Potchen, Orlando, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and L. Charlene Matthews,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Robert Potchen was convicted, after a jury trial, of several offenses including armed burglary of a structure with a firearm (count II) and aggravated assault with a firearm (count V). We affirm as to all issues raised on appeal except one. We conclude that the trial court erred in imposing consecutive mandatory minimum sentences on counts II and V. *See, e.g., Walton v. State*, 208 So. 3d 60, 64 (Fla. 2016) (reiterating that

consecutive sentencing of mandatory minimum imprisonment terms for multiple firearm offenses is impermissible if offenses arose from same criminal episode and firearm was merely possessed but not discharged).

On remand, the trial court shall order the mandatory minimum sentences imposed on counts II and V to run concurrently.

AFFIRMED, in part; REVERSED, in part; and REMANDED.

EVANDER, BERGER and EDWARDS, JJ., concur.