

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

SHAWN RUPE,

Appellant,

v.

Case No. 5D16-3519

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed June 1, 2018

Appeal from the Circuit Court
for Volusia County,
Leah R. Case, Judge.

J. Rafael Rodriguez, of Law Offices of J.
Rafael Rodriguez, Miami, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kellie A. Nielan, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

Appellant challenges his convictions for first-degree premeditated and felony murder and robbery with a deadly weapon. We agree that the robbery conviction cannot be sustained under our standard of review and accordingly reverse the judgment and concurrent life sentence on that charge. We affirm the judgment and sentence on the first-degree premeditated murder conviction.

AFFIRMED IN PART; REVERSED IN PART.

TORPY, EVANDER and WALLIS, JJ., concur.