

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

JESUS S. DOSAL,

Appellant,

v.

Case No. 5D18-2245

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 15, 2019

Appeal from the Circuit Court
for Volusia County,
Raul A. Zambrano, Judge.

James S. Purdy, Public Defender,
and Susan A. Fagan, Assistant
Public Defender, Daytona Beach, for
Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Marjorie Vincent-
Tripp, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Appellant, Jesus S. Dosal, appeals his judgment and sentence rendered after a jury convicted him of battery and lewd and lascivious molestation of a child under twelve years old. Appellant argues, *inter alia*, that his dual convictions violate double jeopardy. The State properly concedes error, and we agree. See *Fjord v. State*, 634 So. 2d 714,

715 (Fla. 4th DCA 1994). We therefore vacate Appellant's conviction for battery. We otherwise affirm.

AFFIRMED in part; VACATED in part; and REMANDED.

LAMBERT, EISNAUGLE, and GROSSHANS, JJ., concur.