

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

JULY TERM 2006

TIMOTHY H. BARNETT,

Appellant,

v.

Case No. 5D05-4501

STATE OF FLORIDA,

Appellee.

---

Opinion filed October 20, 2006

Appeal from the Circuit Court  
for Orange County,  
C. Alan Lawson, Judge.

James S. Purdy, Public Defender, and  
Ailene S. Rogers, Assistant Public  
Defender, Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Carmen F. Corrente,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

We affirm appellant's conviction and sentence for one count of driving with license suspended causing serious bodily injury or death and for one count of leaving the scene of an accident with injuries. However, we find that appellant's conviction for leaving the scene of an accident involving property damage must be vacated. *Turner v. State*, 901 So. 2d 233 (Fla. 5th DCA 2005); *Hardy v. State*, 705 So. 2d 979 (Fla. 4th DCA 1998); *Hoag v. State*, 511 So. 2d 401 (Fla. 5th DCA 1987).

AFFIRMED, in part; REVERSED, in part; Judgment and Sentence VACATED as to the Offense of Leaving the Scene of an Accident Involving Property Damage.

PLEUS, C.J., MONACO and EVANDER, JJ., concur.