

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

JANUARY TERM 2008

D.R., A CHILD,

Appellant,

v.

Case No. 5D07-3129

STATE OF FLORIDA,

Appellee.

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Opinion filed June 13, 2008

Appeal from the Circuit Court  
for Orange County,  
A. Thomas Mihok, Judge.

James S. Purdy, Public Defender, and  
Thomas J. Lukashow, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Appellant challenges his separate convictions on two counts of lewd and lascivious molestation based upon double jeopardy grounds. We conclude that the acts that gave rise to the separate charges arose from a single criminal episode. We remand this cause with instructions that the trial judge strike Appellant's conviction as to

one of the counts and resentence Appellant accordingly. *King v. State*, 834 So. 2d 311 (Fla. 5th DCA 2003).

REVERSED and REMANDED.

ORFINGER, TORPY and COHEN, JJ., concur.