

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

JANUARY TERM 2011

JORGE ALVAREZ,

Appellant,

v.

Case No. 5D09-4091

STATE OF FLORIDA,

Appellee.

Opinion filed March 18, 2011

Appeal from the Circuit Court
for Marion County,
Willard Pope, Judge.

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

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

PER CURIAM.

We affirm, without discussion, Alvarez's convictions for trespass and dealing in stolen property. However, we reverse his conviction for grand theft¹ because the State's evidence was insufficient to establish that the stolen items had a value of \$300 or more. See *Smith v. State*, 955 So. 2d 1227, 1229 (Fla. 5th DCA 2007) (State

¹ §§ 812.014(1), (2)(c)1., Fla. Stat. (2008).

required to present competent evidence to prove value of stolen property at time of crime).

On remand, the trial court shall enter a judgment and sentence on Count IV on the lesser offense of petit theft of the second degree.

AFFIRMED in part; REVERSED in part; REMANDED.

ORFINGER, LAWSON and EVANDER, JJ., concur.