

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

A. Q., a child,
Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-1699

STATE OF FLORIDA,
Appellee.

Opinion filed September 27, 2004.

An appeal from the Circuit Court for Alachua County.
Robert E. Roundtree, Jr..

Claudia Wright and Alero Afejuku, Certified Legal Intern, of Virgil Hawkins Civil
Clinic, Gainesville, for Appellant.

Charles J. Crist, Jr., Attorney General; Linda Horton Dodson and Trisha Meggs
Pate, Assistant Attorneys General, Tallahassee, for Appellee.

PER CURIAM

In this appeal from an order adjudicating appellant (A.Q.) delinquent for
committing burglary to a dwelling and grand theft, appellant claims that the State failed

to prove beyond a reasonable doubt that the market value of the items stolen by appellant (used clothing and used compact discs) was at least \$300.00 on the date of the offense. See §§ 812.014(2)(c)1.; 812.012(10)(a) 1., Fla. Stat. (2003). We agree. Accordingly, we reverse appellant's conviction and sentence for grand theft and remand for the entry of a conviction and sentence for petit theft of the second degree. See § 812.014(3)(a), Fla. Stat. (2003). See also Pickett v. State, 839 So. 2d 860, 862-63 (Fla. 2d DCA 2003), citing Negron v. State, 306 So. 2d 104, 108 (Fla. 1974), receded from on other grounds, Butterworth v. Fluellen, 389 So. 2d 968 (Fla. 1980). We affirm without comment appellant's unchallenged conviction for burglary of a dwelling.

REVERSED; REMANDED WITH INSTRUCTIONS.

DAVIS, BROWNING and HAWKES, JJ., CONCUR.