

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

JOSE RENE CANO,

Appellant,

v.

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

CASE NO. 1D11-5567

STATE OF FLORIDA,

Appellee.

Opinion filed August 31, 2012.

An appeal from the Circuit Court for Escambia County.

Terry D. Terrell, Judge.

Nancy A. Daniels, Public Defender, and Maria Ines Suber, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Giselle Denise Lyles, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We affirm Appellant's convictions and sentences for lewd and lascivious molestation (Count 1) and sexual battery (Count 3). We reverse Appellant's

conviction and sentence for sexual battery (Count 2). As the State concedes, its evidence was insufficient to support that conviction. See Beber v. State, 887 So. 2d 1248 (Fla. 2004).

AFFIRMED in part and REVERSED in part.

DAVIS, CLARK, and MARSTILLER, JJ., CONCUR.