

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

AARON FOLEY,
Appellant,

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

v.

CASE NO. 1D12-4690

STATE OF FLORIDA,
Appellee.

Opinion filed April 24, 2013.

An appeal from the Circuit Court for Clay County.
John H. Skinner, Judge.

Nancy A. Daniels, Public Defender, and David P. Gauldin, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Monique Rolla, Assistant Attorney General,
and Trisha Meggs Pate, Bureau Chief, Tallahassee Criminal Appeals, Tallahassee,
for Appellee.

PER CURIAM.

Appellant was convicted by a jury for burglary of a structure while armed,
grand theft, theft of a firearm, possession of a firearm by a convicted felon, and
possession of ammunition by a convicted felon. After reviewing the record, we

conclude that the State correctly concedes that it failed to provide sufficient evidence of the value of the stolen property to prove count II, grand theft. See Marrero v. State, 71 So. 3d 881 (Fla. 2011).

We affirm Appellant's conviction on counts I, III, IV and V, but vacate the conviction and sentence under count II, grand theft, and remand to the circuit court for entry of a judgment and sentence for petit theft in the second degree.

AFFIRMED in part, REVERSED in part, and REMANDED with instructions consistent with this opinion.

THOMAS, WETHERELL, and ROWE, JJ., CONCUR.