

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**SHAINA ALSTON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D15-3902

[December 14, 2016]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael Robinson, Judge; L.T. Case No. 10-6518 CF10A.

Carey Haughwout, Public Defender, and Stacey Kime, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Rachael Kaiman, Assistant Attorney General, West Palm Beach, for appellee.

***ON CONFESSION OF ERROR***

PER CURIAM.

The defendant argues her convictions and sentences on Counts V, VI, and VII for armed false imprisonment should be reversed because the record establishes she was unarmed. She argues the proper remedy is for the trial court to vacate the armed false imprisonment convictions, enter convictions for simple false imprisonment as third-degree felonies, and resentence her on those counts. She recognizes this remedy will not affect her ultimate prison term as she is still serving concurrent, ten-year prison sentences on Counts I through IV. The state confesses error. We agree.

*Reversed and remanded for resentencing on Counts V, VI, VII.*

CIKLIN, C.J., WARNER and GERBER, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion for rehearing.***