

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

RONALD CARL PENNINGTON, JR.,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2023-2362

[November 27, 2024]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Scott I. Suskauer, Judge; L.T. Case No. 502022CF005077AXXXMB.

Carey Haughwout, Public Defender, and Jeffrey L. Anderson, Assistant Public Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Luke R. Napodano, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We affirm with respect to all issues raised by the defendant in this appeal, except for the sufficiency of the evidence challenge to his conviction for the crime of grand theft from a dwelling of property having a value of \$100 or more. On that offense, we accept the State's concession of error and vacate the defendant's conviction because the evidence presented at trial was insufficient as a matter of law to establish that, at the time of the theft, the market value of the items stolen from the residence exceeded \$100. On remand, the trial court is directed to reduce the defendant's conviction on this count to petit theft and resentence the defendant accordingly.

Affirmed in part, vacated in part, and remanded with instructions.

MAY, FORST and ARTAU, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.