

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

STERLING WATTS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D02-4034

[April 20, 2005]

PER CURIAM.

Appellant was convicted and sentenced as a habitual felony offender to twenty years imprisonment, with a three-year mandatory minimum, for possession of a firearm by a convicted felon and to ten years imprisonment for carrying a concealed firearm. We reverse the mandatory minimum sentence because the jury did not make a specific finding that appellant actually possessed the firearm. *See State v. Hargrove*, 694 So. 2d 729, 730 (Fla. 1997); *James v. State*, 868 So. 2d 1242, 1245 (Fla. 4th DCA 2004); *Bundrage v. State*, 814 So. 2d 1133, 1134 (Fla. 2d DCA 2002). We also reverse appellant's sentence as a habitual felony offender because he did not have the necessary prior sequential convictions. *See Richardson v. State*, 884 So. 2d 950 (Fla. 4th DCA 2003). We certify conflict on this issue with *McCall v. State*, 862 So. 2d 807 (Fla. 2d DCA 2003).

We find appellant's remaining point to be without merit. We therefore affirm the convictions, but reverse and remand for resentencing.

WARNER, POLEN and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; James I. Cohn, Judge; L.T. Case No. 01-20633 CF10A.

Carey Haughwout, Public Defender, and David John McPherrin, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Laurel R. Wiley, Assistant Attorney General, West Palm Beach, for appellee.

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