

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

DeANGELO LAVANDER FAIN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-2694

[September 6, 2006]

PER CURIAM.

As the state concedes, appellant was improperly adjudicated guilty of both attempted first degree murder and attempted felony murder. See *Jackson v. State*, 868 So. 2d 1290 (Fla. 4th DCA 2004). We reverse the judgment and remand to the circuit court to vacate one of the convictions. See *Deangelo v. State*, 863 So. 2d 374 (Fla. 1st DCA 2003).

WARNER, KLEIN and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Gary L. Sweet, Judge; L.T. Case No. 562002CF003867A.

Carey Haughwout, Public Defender, and Ellen Griffin, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and David M. Schultz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.